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# DRAFT WORKING PAPER

Chapter One

Early Investigations (U)

DECLASSIFIED AND RELEASED BY  
CENTRAL INTELLIGENCE AGENCY  
SOURCES METHODS EXEMPTION 3B2B  
NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2004 2006

Former Nazi Adolph Eichmann's dramatic capture in Argentina and his well-publicized war crimes trial in Israel made many Americans realize that some Nazi war criminals had not been brought to justice before the International Military Tribunal in Nuremberg or the numerous other postwar trials.<sup>1</sup> Some of these criminals had actually taken up residence in the United States. The Immigration and Naturalization Service, charged with the enforcement of American immigration laws, appeared powerless to act on allegations of wartime criminal activity committed by now-American citizens or resident aliens. (U)

In the wake of Vietnam and Watergate, many Americans grew disillusioned with the US government. The specter of deliberate coverups by Federal authorities related to Nazi war criminals did not seem so farfetched as one scandal after another erupted in the 1970s. Charles R. Allen, a journalist and editor of *The Nation*, was among the first Americans to question the presence of Nazi war criminals in the United States. In a series of articles (later republished as *Nazi War Criminals Among Us*), Allen uncovered a number of individuals with Nazi pasts in the United States. Allen's activities attracted the attention of US intelligence, leading the CIA to open his mail from the Soviet Union in a clandestine program known as HTLINGUAL.<sup>2</sup> (S)

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<sup>1</sup> A summary of the Army's less famous war crimes trials can be found in Frank M. Buscher, *The US War Crimes Trial Program in Germany, 1946-1955* (New York: Greenwood Press, 1989). (U)

<sup>2</sup> Allen learned about the Agency's illegal letter opening program in 1981 when the CIA released its records in response to his Privacy Act request in 1978. Allen filed suit against the

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Elizabeth Holtzman, a Democratic member of Congress from Brooklyn, soon became the chief critic of the government's policies concerning the presence of Nazi war criminals in America. Elected in a stunning victory in 1972 as the youngest woman to hold office in the US Congress, she earned a national reputation on the House Judiciary Committee during the Watergate hearings two years later. Starting that same year, Holtzman also spearheaded the movement to uncover the extent of the government's involvement with Nazi war criminals. Holtzman and Joshua Eilberg of Pennsylvania, the Democratic chairman of the House Subcommittee on Immigration, Citizenship, and International Law, demanded that the Commissioner of Immigration and Naturalization provide updated reports on the Service's investigations of Nazi war criminals. The representatives also pressed the Department of State for better cooperation in working with foreign governments to obtain evidence against suspected war criminals.<sup>3</sup> (U)

In May 1974, Holtzman condemned a new INS Nazi war criminal task force in New York as having conducted its investigations with "appalling laxity and superficiality." Holding news conferences in Washington and New York, Holtzman told the press that "despite the 'high priority' nature of I.N.S.' investigation, its administration

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CIA and the US government for violation of his constitutional rights later that year and he also submitted an administrative tort claim. The court denied his HTLINGUAL suit because the statute of limitations had expired, but the Federal government settled the suit for \$1000 in damages and \$66 in legal fees. The government, however, admitted no liability. See Charles R. Allen, Jr. v. United States of America and the Central Intelligence Agency, Civil Action CV-81-2606, in Office of General Counsel Records, Job  , Box 1, CIA ARC. Interestingly, Oleg Kalugin, a Soviet KGB officer posted in New York under journalist cover and later a major general, claims that he provided Allen with material to use for his book. Oleg Kalugin with Fen Montaigne, *The First Directorate: My 32 Years in Intelligence and Espionage Against the West* (New York: St. Martin's Press, 1994), pp. 54-55. (U)

<sup>3</sup>Holtzman's activities as one of the leading proponents of the Nazi war criminal investigations are found in Saidel, *The Outraged Conscience*, pp. 104-121. See also, Elizabeth Holtzman with Cynthia L. Cooper, *Who Said It Would Be Easy?: One Woman's Life in the Political Arena* (New York: Arcade Publishing, 1996). (U)

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and conduct can only be described as haphazard, uncoordinated, and unprofessional.”<sup>4</sup>

By the end of the year, Holtzman complained that the promised INS investigations had fizzled.<sup>5</sup> The INS project control office, a one-man operation, had proven simply incapable of directing full-scale investigations as well as coordinating with other government agencies and foreign countries.<sup>6</sup> (U)

Frustrated by the poor progress on the part of the INS, Holtzman's subcommittee suspected that other agencies of the US Government deliberately obstructed the Nazi war criminal investigations.<sup>7</sup> The Central Intelligence Agency soon became a target because of the perception (largely fostered by two highly publicized Congressional investigations in 1975) that it was a “rogue elephant.”<sup>8</sup> In the fall of 1976, for example, Eilberg and Holtzman questioned the commissioner of the INS whether the CIA had shielded at least one man suspected of war crimes from prosecution. Reacting to a published report, the two members of Congress found “the willingness of the CIA to employ and contact the Immigration Service on behalf of a person alleged to have committed war crimes under the Nazis an intolerable affront to the decency of the American people.” Congress demanded to know the extent of the Agency's communications with the INS and whether

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<sup>4</sup>Ralph Blumenthal, “Rep. Holtzman Calls US Lax on Nazi Inquiries,” *New York Times*, 21 May 1974, p. 8. (U)

<sup>5</sup>Ralph Blumenthal, “Drive on Nazi Suspects A Year Later: No US Legal Steps Have Been Taken,” *New York Times*, 23 November 1974, p. 48. (U)

<sup>6</sup>Ryan, *Quiet Neighbors*, pp. 52-53. (U)

<sup>7</sup>“Nazi War Criminals: Chronology of Activities of the Subcommittee on Immigration, Citizenship, and International Law,” provides a detailed account of the Subcommittee's interest in the topic during the years 1974 through 1977. Chronology found in DO Records, Job 2 Box 8, Folder 154, CIA ARC. (U)

<sup>8</sup>For further detail about the various investigations, see Harold P. Ford, *William E. Colby as Director of Central Intelligence 1973-1976*, CIA History Staff, 1993, (S) and Gerald K. Haines, *The CIA and Congress: Years of Change 1966-1980*, CIA History Staff draft manuscript, 1993, (S). Senator Frank Church's “rogue elephant” comment gave credence to the public's perception that the CIA was an agency out of control. For further information on the “rogue elephant” illusion, see Rhodri Jeffreys-Jones, *The CIA and American Democracy* (New Haven: Yale University Press, 1989), pp. 193, 208, and 214-215. (U)

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the INS had previous contact with other Federal organizations, including the Office of Strategic Services.<sup>9</sup> (U)

Starting in 1976, the Agency began to work with the INS on the Nazi war criminal investigations after it received the first request to trace suspected Nazi war criminals. On 19 October 1976, Lucien N. Nedzi, Democratic congressman from Michigan and then chairman of the House Armed Services Special Subcommittee on Intelligence, asked [redacted] CIA's Legislative Counsel, to determine the "flap potential" of the CIA's contact with 141 "war criminals" known to INS "who might be subjected to reinvestigation and possible deportation."<sup>10</sup> Working from limited information (initially a simple list of names), both the Office of Security and the Directorate of Operations determined that they possessed records on a number of these individuals, including documents that indicated that the Agency had employed at least a dozen of these subjects over the years.<sup>11</sup> (S)

Even before Nedzi had finished reviewing the name traces, Congress ordered an investigation by the General Accounting Office.<sup>12</sup> Years of foot-dragging by the INS

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<sup>9</sup>Elizabeth Holtzman and Joshua Eilberg to Leonard F. Chapman, Commissioner, Immigration and Naturalization Service, 15 October 1976, in DO Records, Job [redacted] [redacted] Box 1, Folder 1, CIA ARC. (C)

<sup>10</sup>[redacted] Legislative Counsel to [redacted] Chief, DDO/Information Services Staff, "Agency Contact with War Criminals," 26 October 1976, (S), in DO Records, Job [redacted] [redacted] Box 8, Folder 154, CIA ARC. (S)

<sup>11</sup>[redacted] Chief, External Inquiries Section to Chief, IP/Reference Branch, "Background Information on Alleged Nazi War Criminals," 16 February 1977, (S), enclosing [redacted] Chief, Security Analysis Group, "Alleged Nazi War Criminals in the United States," 21 December 1976, (C), in DO Records, Job [redacted] [redacted] Box 8, Folder 154, CIA ARC. See also unsigned, Memorandum for Record, "Search to Determine Any Agency Connection with Individuals on IN&S List of 'Alleged Nazi War Criminals,'" 19 November 1976, in the same job as above. (S)

<sup>12</sup>[redacted] Assistant Legislative Counsel to Special Assistant for External Oversight, "Request by the House Judiciary Committee for Agency Documents Related to Nazi War Criminals Immigrating to the United States," 21 March 1977, OLC 77-1076, (C), in DO Records, Job [redacted] [redacted] Box 8, Folder 154, CIA ARC. (C)

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and, indeed, by the entire Federal government, prompted Rep. Eilberg, as chairman of the House subcommittee, to request the General Accounting Office "to determine if Immigration personnel deliberately obstructed active prosecution of these cases or engaged in a conspiracy to withhold or quash any information in its possession."<sup>13</sup> Although Eilberg opened the investigation in January 1977, Frank C. Conahan, Associate Director of the GAO's International Division, did not formally approach CIA for its cooperation until September of that year.<sup>14</sup> (U)

### The First GAO Investigation (U)

The CIA, the State Department, the INS, and the FBI jostled with both GAO and the House Judiciary Subcommittee over arrangements to handle "third agency" material contained in the files of the Immigration and Naturalization Service. Three agencies (the CIA, the FBI, and the State Department) refused to grant GAO investigators direct access to INS records if they contained documents from their respective agencies.<sup>15</sup> [

[ ] The point of contact in the Directorate of Operations working with the GAO investigation, met with other agency officials, GAO investigators, and Congressman Eilberg in April 1977 [ ] "made clear that such documents would be reviewed by

~~the Agency to excise any references to source, methodology, collection, or operations"~~ before the GAO investigators could inspect them.<sup>16</sup> Under the guidelines established by

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<sup>13</sup>1978 GAO Report, pp. 44-45. (U)

<sup>14</sup>Frank C. Conahan, Associate Director, International Division, General Accounting Office to Office of the Comptroller, 2 September 1977, Compt 77-1334, in DO Records, Job [ ] Box 8, Folder 154, CIA ARC. (U)

<sup>15</sup>Various Office of Legislative Counsel journals for 18, 23 February, 18 March, and 5 April 1977, (C), provide details of conversations between CIA, GAO, and the House Subcommittee for access to CIA records. See DO Records, Job [ ] Box 8, Folder 154, CIA ARC. (C)

<sup>16</sup>[ ] Memorandum for Record, "GAO's Investigation of Immigration and Naturalization Service's Handling of the Immigration into the US of Alleged Nazi War

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the INS and GAO, the investigators coordinated directly with individual agencies about reviewing third-agency documents.<sup>17</sup> The CIA and the GAO did not reach a formal understanding regarding access to classified Agency material and its use until April 1978—only a month before the GAO issued its report.<sup>18</sup> (S)

In November 1977, the GAO launched its formal examination of the Central Intelligence Agency when it submitted a list of 111 persons to the Agency.<sup>19</sup> The GAO's names, essentially an abbreviated version of the list given to the Agency by Congressman Nedzi in 1976, consisted of INS cases of suspected Nazi war criminals residing in the United States. The GAO placed particular emphasis on two suspects, Edgars Laipenieks and Tscherim Soobzokov, both of whom had already attracted substantial media interest. (U)

The Agency responded to GAO's request a month later, promising, "we will cooperate to the fullest extent possible in this investigation."<sup>20</sup> Upon finding records of

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Criminals," 6 April 1977, OLC 77-1368, (S), in DO Records, Job          Box 8, Folder 154, CIA ARC.          was formally appointed CIA's point of contact following CIA's official notification of the investigation by GAO in September 1977. See         , Comptroller to DDO, "GAO Review of Evidence of Fraudulent Entry into the United States of Alleged Nazi War Criminals," 14 September 1977, Compt 77-1334, and         , Office of the Special Assistant to the DDO for External Oversight to         , Office of the Comptroller, "GAO Review of Evidence of Fraudulent Entry into the United States of Alleged Nazi War Criminals," 27 September 1977, both documents in DO Records, Job          Box 8, Folder 154, CIA ARC. (S)

~~17~~ A copy of "Availability of Immigration and Naturalization Service Files to GAO in Connection with its Investigation of IN&S Delays in Institution of Denaturalization and Deportation Proceedings Against Alleged Nazi War Criminals," which outlines the general procedures for access to INS records, is found in DO Records, Job          Box 8, Folder 154, CIA ARC. (U)

<sup>18</sup>          Acting Legislative Counsel, CIA, and Victor L. Lowe, Director, General Government Division, GAO, "Memorandum of Understanding between the General Accounting Office and the Central Intelligence Agency," signed 5 and 7 April 1978, in DO Records, Job          Box 8, Folder 154, CIA ARC. (U)

<sup>19</sup> Conahan, GAO to Office of Legislative Counsel, 3 November 1977, in DO Records, Job          Box 8, Folder 154, CIA ARC. (U)

         to Conahan, 6 December 1977, OLC 77-4776/a, DO Records, Job          Box 8, Folder 154, CIA ARC. (U)

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any of the 111 suspects, the Agency prepared a summary of the information on each individual for Daniel F. Stanton and John Tipton, the GAO's primary investigators. The two investigators, in turn, determined which records to examine in greater detail and informed [redacted] of their requirements. Agency reviewers then performed "appropriate sanitization to remove personal identities, intelligence sources and methods, and any other information not related to your inquiry" from the relevant documents. Stanton and Tipton reviewed the sanitized copies at CIA Headquarters and took notes of the records, subject to another CIA review and sanitization. In keeping with the "third agency" rule established by INS and GAO, other documents found in the Agency's records, such as Army material, were not shown to the GAO investigators, although the Agency referred these records to their originating office.<sup>21</sup> (U)

Congressional interest in the GAO's investigation, coupled with a separate and somewhat haphazard INS investigation, tested the Agency's ability to cooperate with the General Accounting Office. Not willing to let the GAO conduct its own independent investigation, Congressman Eilberg wrote DCI Stansfield Turner on 4 November 1977 requesting "a detailed report" on the same 111 individuals that the GAO was already investigating.<sup>22</sup> Consequently, the Agency permitted two Congressional staff members of the House Subcommittee, Arthur Endres and Peter Regis, to look at the material under review by GAO's Stanton and Tipton.<sup>23</sup> With two investigations now underway, the

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<sup>21</sup>Ibid. (U)

<sup>22</sup>Eilberg to Turner, 4 November 1977, OLC 77-4817, in DO Records, Job [redacted] Box 8, Folder 154, CIA ARC. (U)

<sup>23</sup>[redacted] DCI Security Officer, "Request for Certification of Security Clearances," 16 November 1977, OLC 77-5029, (S), in DO Records, Job [redacted] Box 8, Folder 154, CIA ARC. (S)

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Agency provided a detailed summary of the Agency's records on the 111 suspects to the GAO and House in mid-December 1977.<sup>24</sup> (S)

While the GAO and House Subcommittee reviewed CIA's records (both sets of investigators examined Agency material in late 1977 and again in early 1978), the Immigration and Naturalization Service tried to enhance its bruised reputation by establishing the Special Litigation Unit (SLU) to investigate and bring to trial Nazi war criminals. Formed in the late summer of 1977, SLU, under Martin Mendelsohn, did not really get off the ground until the spring of 1978 when it launched a new investigation in the wake of the GAO and House Subcommittee.<sup>25</sup> By the spring of 1978, the CIA juggled three separate investigations, all essentially examining the same material and asking similar questions. (U)

As early as February 1978, the House Subcommittee pressed the GAO to testify at a public hearing the following month about the progress of the investigations.<sup>26</sup> Congressional pressure mounted throughout the spring of 1978, forcing the GAO to wrap up its investigation in April. Later that same month, CIA officials, primarily [ ] and [ ] reviewed the preliminary draft report and added two paragraphs emphasizing that the CIA did not knowingly employ any war criminals during a period of intense need for intelligence about the Soviet Union.<sup>27</sup> (S)

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<sup>24</sup>A series of memoranda provide a summary of the Agency's activities during this time. See especially [ ] to [ ] and [ ] Office of Legislative Counsel, "Alleged Nazi War Criminals in the United States," 15 December 1977, (S), in DO Records, Job [ ] Box 8, Folder 154, CIA ARC. (S)

<sup>25</sup>The formation of SLU is discussed in the 1978 GAO Report, pp. 26-27. (U)

<sup>26</sup>[ ] Memorandum for the Record, "Nazi War Criminals," 3 February 1978, (S), in DO Records, Job [ ] Box 8, Folder 154, CIA ARC. (S)

<sup>27</sup>Copies of the GAO drafts with portions highlighted by CIA reviewers are found in DO Records, Job [ ] Box 8, Folder 169, CIA ARC. See also [ ] to [ ] GAO Draft Report of War Crimes Investigation," 21 April 1978, OLC 78-0357/8, (S), and [ ] to [ ] 21 April 1978, (S), in DO Records, Job [ ] Box 8, Folder 154, CIA ARC. The Office of Security also expressed concerns about the language of the draft, especially the

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The General Accounting Office submitted to Congress its formal report, *Widespread Conspiracy to Obstruct Probes of Alleged Nazi War Criminals Not Supported by Available Evidence—Controversy May Continue*, on 17 May 1978.

Regarding the CIA's involvement, the GAO found that, in its search for information on 111 individuals, the Agency had no information on 54. Of the remainder, CIA acknowledged having a more substantial relationship with 22 individuals. (U)

### The Report's Backlash (U)

The report unleashed a storm of criticism about the use of Nazi war criminals by the United States Government. Rep. Joshua Eilberg publicly blasted the CIA and FBI. "This report makes it clear," Eilberg announced, "that the CIA and FBI were more interested in using these people and getting information from them, than in conducting any background investigation as to their wartime activities or pursuing allegations that they were war criminals." He also had harsh words for the Agency and commented, "I'm appalled that so many of these individuals had direct contact with our government officials, and that some actually were assisted by the CIA in entering this country."<sup>28</sup> The GAO report made national headlines with reporters emphasizing the CIA's role regarding Nazi war criminals. In contrast, the investigation's original intent, to ascertain the cause of the lax response by the INS, attracted less attention from the media.<sup>29</sup> (U)

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GAO's criticism of the use of prepared summaries and sanitized documents by the CIA and the FBI. See [redacted] to Chief, Security Analysis Group, "Nazi War Criminal Investigation," 4 May 1978, (C), in same job as above. (S)

<sup>28</sup>Press Release, "Report to Eilberg Charges Nazi Ties with CIA, FBI," 17 May 1978, in DO Records, Job [redacted] Box 8, Folder 154, CIA ARC. (U)

<sup>29</sup>For example, see Associated Press release by Jay Perkins, undated and untitled, which formed the basis for report "CIA Used Alleged Nazis, GAO Says," in *The Washington Post*, 17 May 1978. See also Marjorie Hunter, "Utilization of Nazis Laid to CIA and F.B.I.," *New York*

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The GAO Report was also notable for its hesitant conclusion that there was no evidence of a conspiracy to obstruct justice. The GAO tried to protect itself by stating on the cover of the report that it did not enjoy full access. "GAO's investigation was hindered by the effect of the passage of time on the availability of information and limited access to agencies' records."<sup>30</sup> (U)

The Central Intelligence Agency took this criticism with some disappointment. From its standpoint, the Agency felt that it had been forthright in revealing its files to the GAO and the House Subcommittee. DDCI Frank C. Carlucci wrote the General Accounting Office on 18 May 1978 to protest the report's conclusion. "We would like the record to show that we were prepared at all times to make complete files (appropriately sanitized to protect intelligence sources and methods) available for review by the investigators to validate their conclusions."<sup>31</sup> (U)

Trying to shore up relations on Capitol Hill, DCI Stansfield Turner wrote to Edward Boland, the chairman of the House Permanent Select Committee on Intelligence, in June 1978. Turner assured the congressman that the Agency "has never in any way been involved in any attempts to protect alleged Nazi war criminals." He offered the members of the oversight committee full access to CIA's records relating to the GAO investigation.<sup>32</sup> (U)

### New Hearings (U)

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*Times*, 17 May 1978. Copies of various articles found in DO Records, Job 67-1000 Box 8, Folders 154 and 169, CIA ARC. (U)

<sup>30</sup>Cover statement, 1978 GAO Report. For further details, see the Report's "Scope of Review," pp. 4-6. (U)

<sup>31</sup>Carlucci to J.K. Fasick, International Division, GAO, 18 May 1978, OLC 78-0357/E, in DO Records, Job 67-1000 Box 8, Folder 154, CIA ARC. (U)

<sup>32</sup>Turner to Boland, 17 June 1978, OLC 78-0357/G, in DO Records, Job 67-1000 Box 8, Folder 155, CIA ARC. (U)

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Eilberg convened his subcommittee in July 1978 to hear new testimony from the GAO, various researchers, and former officials responsible for immigration policy and enforcement. Following up on the hearings conducted in August 1977, this second round of hearings focused on the published GAO report, but also delved into questions of actual US immigration policies after the war, including the Displaced Persons Act of 1948.<sup>33</sup> In discussing the report with Victor L. Lowe, GAO's director of the General Government Division, Eilberg and Elizabeth Holtzman questioned why the House Subcommittee had better access to the CIA's records than the GAO investigators. Lowe responded that the CIA's summarized reports were unsatisfactory. "Bear in mind," Lowe reminded the Subcommittee, "we could only ask for the documents supporting the summary they gave us. We do not know what they put in the summary. You wouldn't know what to ask for, you see, so the summary document is what you had to go by."<sup>34</sup> (U)

Charles R. Allen, the journalist who in the early 1960s had exposed the fact that Nazis came to the United States, was the star witness of the 1978 hearings. He grabbed headlines again by criticizing the Agency for its failings ranging from illegal spying on American citizens, drug testing, and criminal actions in Vietnam. "Against such a background," Allen dramatically exclaimed, "need there be any surprise that, as I have charged and can demonstrate, some 10 US Intelligence Agencies--headed by the CIA and the FBI--have over the past 33 years utilized at least provable Nazi war criminals who, taken together, are charged with responsibilities for the genocide of some 2.4 million

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<sup>33</sup>US Congress. House. Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary. *Alleged Nazi War Criminals*. 95th Cong., 2nd sess., 19-21 July 1978 (hereafter cited as the 1978 Hearings). See also US Congress. House. Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary. *Alleged Nazi War Criminals*. 95th Cong., 1st sess., 3 August 1977 (hereafter cited as the 1977 Hearings). (U)

<sup>34</sup>1978 Hearings, pp. 20-21. (U)

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women, children, and men between 1939 and 1945?"<sup>35</sup> By the end of the three days of hearings in the summer of 1978, the House Subcommittee branded the Central Intelligence Agency's intransigence as a major reason why the GAO investigation had failed.<sup>36</sup> In Eilberg's opinion, "it is just regrettable that so much time and man-hours and money was expended and we have so little to show for it."<sup>37</sup>(U)

The House Subcommittee (with Eilberg and Holtzman as its two leading advocates) demanded that the US Government provide more answers about its use of Nazis after World War II. In late June 1978, Eilberg and the other Subcommittee members signed a memorandum of understanding with the CIA to permit House staff members to examine Agency material. Similar in nature to the agreement reached with the GAO in April, the memorandum codified the working arrangement between the CIA—primarily the DO—and the House investigators.<sup>38</sup> In mid-August, Eilberg called a meeting of representatives from the CIA, the GAO, and the Departments of Defense, Justice, and State that established the guidelines for Eilberg's investigation and hailed the

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<sup>35</sup>Ibid., p. 61. (U)

<sup>36</sup>Ironically, the GAO dispatched its two investigators to visit CIA immediately prior to the summer hearings. The investigators reexamined some Agency records and discussed some of the questions that the House Subcommittee had provided in advance. The CIA's use of the summary reports was not mentioned in the House's preliminary questions. See [redacted] Memorandum for Record, "General Accounting Office Meeting," 10 July 1978, enclosing "Points to be Covered at ~~GAO Meeting~~," in DO Records, Job [redacted] Box 8, Folder 155, CIA ARC. A CIA official attended the hearings and provided some feedback. See [redacted] Memorandum for Record, "House Judiciary Subcommittee on Immigration, Citizenship, and International Law Hearings on Alleged Nazi War Criminals, 19-20 July 1978," 20 July 1978, OLC 78-0357/28, in the same job as above. (U)

<sup>37</sup>1978 Hearings, p. 29. (U)

<sup>38</sup>[redacted] Acting Legislative Counsel, to Eilberg, 22 June 1978, enclosing Memorandum of Understanding between the Director of Central Intelligence and the House Judiciary Subcommittee on Immigration, Citizenship, and International Law, in DO Records, Job [redacted] Box 8, Folder 155, CIA ARC. An account of a meeting between CIA and the House concerning the MOU is found in [redacted] Memorandum for Record, "Meeting with Chairman Joshua Eilberg (D., Pa.), House Judiciary Subcommittee on Immigration, Citizenship, and International Law," 19 June 1978, OLC 78-2409, in the same job as above. (U)

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CIA's Memorandum of Understanding with the Subcommittee as a model working tool.<sup>39</sup> The Subcommittee's new investigation retraced the steps of the GAO investigation in examining records of the 111 suspects. James Black, an investigator from the GAO (who had not worked on the earlier investigation) was detailed to assist the House in examining the Agency's records. Like the GAO study, the House still had to submit to the CIA's rules (as stated in the Memorandum of Understanding) that allowed investigators to review documents only after removal of names of CIA personnel or other information concerning sources or methods.<sup>40</sup> (S)

### The Holtzman Amendment (U)

Congresswoman Elizabeth Holtzman assumed the chair of the House Immigration Subcommittee after Eilberg lost his bid for reelection. Her rise to Congressional leadership was enhanced by growing Congressional interest in Nazi war criminals and in the previous fall when Pres. Jimmy Carter signed the amendments to the Immigration and Naturalization Act of 1952.<sup>41</sup> The new law incorporated the language and intent of the 1948 Displaced Persons Act and the 1953 Refugee Relief Act to "exclude from admission

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<sup>39</sup> Assistant Legislative Counsel, Memorandum for Record, "Multiagency Meeting with House Judiciary Subcommittee on Immigration, Citizenship and International Law Chairman Joshua Eilberg (D., Pa.) on 17 August 1978," 17 August 1978, OLC 78-0357/30, enclosing list of participants, statement by Eilberg, and "Scope of Subcommittee Investigation," in DO Records, Job C      ➤ Box 8, Folder 155, CIA ARC. (U)

<sup>40</sup> Chief, Policy and Coordination Staff, Policy Guidance and Legal Affairs, Litigation Branch, to Chief, Information Management Staff, "Nazi War Criminals," 1 November 1978, (S), in DO Records, Job C      ➤ Box 8, Folder 155, CIA ARC. (S)

<sup>41</sup> Growing Congressional interest in Nazi war criminals in response to constituent requests can be seen in letters from Sen. Max Baucus about Nicolae Malaxa, a Romanian financier with ties to both the Nazis and communists. Likewise, Rep. Lamar Gudger also expressed concern about CIA's ties to war criminals. He called for the DCI to support the Congressional and Justice Department investigations. See various correspondence in DO Records, Job C      ➤ Box 8, Folder 155, CIA ARC. (U)

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into the United States aliens who have persecuted any person on the basis of race, religion, national origin, or political opinion, and to facilitate the deportation of such aliens who have been admitted into the United States.”<sup>42</sup> Holtzman’s bill closed a loophole that had hindered the government from taking legal action against these individuals.<sup>43</sup> (U)

Holtzman hailed the new law and exclaimed, “the presence of Nazi war criminals in the United States constitutes the unfinished business of World War II. By taking an forthright stand against allowing these mass murderers a haven in this country, we will not only reaffirm our commitment to human rights but we will be making it clear that persecution in any form is repugnant to democracy and to our way of life.”<sup>44</sup> (U)

As the new Subcommittee chair, Holtzman immediately pushed for a stronger organization within the Federal government to investigate and prosecute Nazi war criminals. In late March 1979, the Associate Attorney General bowed to her wishes and announced that the Department of Justice would transfer the Special Litigation Unit from the Immigration and Naturalization Service to the Criminal Division of the Department of Justice. At the same time, the Justice Department planned to expand the new organization’s staff, now called the Office of Special Investigations (OSI), to nearly 40 personnel with a budget of \$2 million.<sup>45</sup> Martin Mendelsohn remained as the head of the

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<sup>42</sup>*United States Code, Congressional and Administrative News, 95th Congress-Second Session 1978, vol. 4: Legislative History* (St. Paul: West Publishing Company, 1979), pp. 4700-4716. (U)

<sup>43</sup> The 1948 DP Act and the 1953 Refugee Relief Act excluded those immigrants from entering the United States who “have assisted the enemy in persecuting civil populations” (language derived from the Constitution of the International Relief Organization). The Immigration and Naturalization Act of 1952, however, did not incorporate this wording; thus, the government could deport war criminals admitted under the 1948 and 1953 acts, but not those that entered the United States under the 1952 law. (U)

<sup>44</sup>Congressional Quarterly, *Almanac 95<sup>th</sup> Congress 2<sup>nd</sup> Session....1978*, vol. XXXIV (Washington, DC: Congressional Quarterly, 1979), pp. 8-9. (U)

<sup>45</sup>A.O. Sulzberger, Jr., “Agency Studying Nazis is Upgraded,” *New York Times*, 29 March 1979, P. A18. (U)

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new OSI until early May 1979 when Walter J. Rockler, a prominent lawyer and a former prosecutor at the Nuremberg war crimes trials, accepted a temporary position as the director of the fledgling office.<sup>46</sup> (U)

The Holtzman Amendment, in combination with the Office of Special Investigations, transformed the Federal government's ability to investigate, prosecute, and deport Nazi war criminals. In the deportation of aliens residing in the United States, the Office of Special Investigations had to show that the defendant had advocated, assisted, or participated in Nazi-sponsored persecution on the basis of race, religion, national origin, or political belief. In denaturalization cases of American citizens, however, OSI still had to prove that the defendant obtained American citizenship by means of fraud or misrepresentation of a material fact.<sup>47</sup> (U)

By the end of the 1970s, Congressional interest had forced the investigations to accelerate—although not without some confusion and misunderstandings, as seen by the GAO and Congressional investigations during 1977-78. Over the next ten years, the Office of Special Investigations would handle a number of important cases while the General Accounting Office conducted another controversial investigation. The Central Intelligence Agency clearly remained the focus of these new investigations. (U)

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<sup>46</sup>For biographical information on Rockler, see Adam Bernstein, "Nuremberg Prosecutor Walter Rockler," *The Washington Post*, 12 March 2002, p. B6, and "Walter Rockler, War-Crimes Agency Chief, Dies at 81," *New York Times*, 21 March 2002, p. A31. (U)

<sup>47</sup>A fact is considered to be material when, if it had been revealed at the time of immigration or naturalization, it might have induced the US Government to institute further investigation that could have revealed that the individual was ineligible for an immigrant visa and/or US citizenship. Information provided by Dr. Elizabeth B. White, historian with the Office of Special Investigations, 3 September 1996. (U)

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## Chapter Two

### CIA's First Cases (U)

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NAZI WAR CRIMES DISCLOSURE ACT  
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The Office of Special Investigations inherited a mixed bag of cases from the Special Litigation Unit. By the time of OSI's establishment in the spring of 1979, SLU's reputation had plummeted because it had mishandled several investigations, which subsequently affected the Federal government's efforts to bring Nazi war criminals to trial. Attorney General Benjamin R. Civiletti even declared that the SLU had a "sort of system of non-management." Outside observers quickly seized on these failures as yet another example of the "open secret" within Washington that intelligence agencies planned to stonewall Nazi war criminal investigations. In the words of one author, SLU was simply "a goldfish in a tank of bureaucratic barracuda."<sup>1</sup> (U)

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<sup>1</sup>A summary of SLU's problems is found in Charles R. Allen, Jr., "Nazi War Criminals in the United States," *The Jewish Veteran* (September-October 1979), pp. 1-4. OSI's uneven birthing was not enhanced by internal squabbling within the organization during its first year of existence. Martin Mendelsohn, SLU's former director and now OSI's deputy director, and Walter Rockler, OSI's new director, simply did not get along. Philip B. Heymann, Assistant Attorney General, consequently reassigned Mendelsohn to other duties within the Department of Justice in January 1980. Mendelsohn's removal prompted yet another outcry in Congress and two members of Congress wrote the US Attorney General to protest the action. In their opinion (joined by over 40 other Congressmen), OSI clearly lost "an invaluable resource" with Mendelsohn's departure. [the Directorate of Operations's point of contact with the new agency, aptly noted that Mendelsohn's firing highlighted the sensitive nature of the Nazi war criminal investigations. "We must," [ ] stressed, "continue to deal with the political issue of the Nazi war criminals as carefully as in the past." See Robert Pear, "Justice Dept. to Oust Nazi Hunter," *New York Times*, 7 January 1980, pp. 1 and 18; Jack Anderson, "Nazi Hunter is Victim of Infighting," *Washington Post*, 9 January 1980, p. B15; and Christopher Todd and Bill Frenzel to

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In the meantime, Walter Rockler, who had left a prestigious position with a Washington law firm to serve as acting director of OSI, felt uncomfortable in his new role. An expert on the Federal tax code, Rockler's only work with war criminals had been at Nuremberg over 30 years earlier. He found the work at OSI too demanding, and he admitted that he had taken the job "with great reluctance." He stepped down in March 1980 and was succeeded by his deputy director, Allan A. Ryan, Jr., later that spring.<sup>2</sup> (U)

### A New Director, A New Start (U)

Ryan realized that OSI needed strong leadership and direction if the office were to overcome its initial handicaps. Among his first actions, Ryan reviewed OSI's entire caseload, primarily former INS and SLU actions. He found a jumble of cases, ranging from rather solid ones to mere "my neighbor-is-a-Nazi" accusations. Ryan scored a victory when the US Supreme Court upheld the legality of the Holtzman Amendment and denaturalized Feodor Fedorenko, a former Ukrainian concentration camp guard, in 1981. Attorney General Civiletti personally argued OSI's case against Fedorenko before the

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Benjamin R. Civiletti, 19 February 1980, with attached petition, in DO Records, Job C 3 Box 1, Folder 2, CIA ARC. } made his comments on a cover note to the Todd and Frenzel letter. (U)

<sup>2</sup>Walter J. Rockler, "I Took on My Assignment with Great Reluctance," *Legal Times of Washington*, 25 February 1980. Rockler's work with the Nuremberg trials and later with OSI left him uncertain as to the value of war criminal prosecutions. "They had important symbolic value," he said in 1995, "but no substantial impact." Rockler, who spent 36 years at the law firm of Arnold & Porter, died in 2002. See Adam Bernstein, "Nuremberg Prosecutor Walter Rockler," *Washington Post*, 12 March 2002, p. B6, and "Walter J. Rockler, War-Crimes Agency Chief, Dies at 81," *New York Times*, 21 March 2002, p. A31. (U)

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Supreme Court, stressing the Government's interest in bringing Nazi war criminals to justice.<sup>3</sup> (U)

In late 1979, OSI assigned Arthur Sinai as its liaison to the CIA for requests for name traces. His CIA counterpart was [redacted] of the Office of General Counsel.<sup>4</sup> In February 1980, Sinai passed OSI's first major request to CIA to review its holdings for information on 275 individuals. [redacted] in transmitting the OSI request to the Directorate of Operations and the Office of Security, emphasized the importance of the Agency's accurate response.<sup>5</sup> The Agency's work in this effort marked the beginning of CIA's assistance to OSI in conducting over a thousand name traces.<sup>7</sup> (U)

CIA faced a new challenge in responding to the growing demands of the Office of Special Investigations. In late February 1980, CIA officials met with OSI representatives to determine how the Agency would respond to the name trace requests. The DO agreed

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<sup>3</sup>Elizabeth Olson, "Civiletti Urges Supreme Court to Allow Stripping of Ex-Nazi Guard's Citizenship," *Washington Post*, 16 October 1980, p. A-2. See also Aric Press and Diane Camper, "A New Hunt for Old Nazis," *Newsweek*, 27 October 1980, p. 84. (U)

<sup>4</sup>Philip B. Heymann, Assistant Attorney General, Criminal Division, to Frank Carlucci, Deputy Director, CIA, 17 December 1979, ER 79-8922, in OGC Records, Job [redacted] Box 1, Folder 6, CIA ARC. [redacted] designation as the OGC point of contact is found in [redacted] to Heymann, 3 January 1980, OGC 80-00032, in OGC Records, Job [redacted] Box 1, Folder 5, CIA ARC. (U)

<sup>5</sup>Arthur Sinai, Deputy Director, OSI to Adm. Turner, 19 February 1980, in OGC Records, Job [redacted] Box 1, Folder 5, CIA ARC. (U)

<sup>6</sup>[redacted] to Chief, IMS/FPLG and Chief, Security Analysis Group, "Name Trace Requests from Office of Special Investigations, Department of Justice," 12 March 1980, OGC 80-02039, in DO Records, Job [redacted] Box 1, Folder 2, CIA ARC. (U)

<sup>7</sup>CIA provided feedback to OSI concerning the February 1980 request in [redacted] to Ryan, 11 July 1980, OGC 80-06025, (C), and [redacted] to Richard Sullivan, Assistant Deputy Director, OSI, 25 July 1980, OGC 80-06437, (C), both in OGC Records, Job [redacted] Box 1, Folder 5, CIA ARC. (C)

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that it would conduct only "on-the-head" traces. The DO then provided the Office of General Counsel with four general responses: No Trace, No Positively Identifiable Information, Possibly Identifiable Information is Available, or Information on Subject is Available.<sup>8</sup> In mid-July 1980, Ryan met with [redacted] of the Office of General Counsel to determine procedures for OSI's review of the CIA records that the name traces had identified. Following this meeting, [redacted] in turn, outlined the specific agreements reached between the two agencies on 7 August 1980. This meeting established the working principles between CIA and OSI that continue to the present day.<sup>9</sup> (U)

### The Tscherim Soobzokov Case (U)

Despite the progress that Ryan made with CIA during his first months as OSI's director, a certain degree of suspicion lingered between the two agencies. The Soobzokov case revealed the intricacies of coordinating a Federal prosecution among numerous departments and agencies. Tscherim Soobzokov had a brief but complicated relationship with the Central Intelligence Agency. He first came to the CIA's attention

~~when a case officer met him in Amman, Jordan, in December 1950.~~ [redacted]

[redacted] used Soobzokov as an unwitting informant and then as a paid source on the Circassian, or North Caucasian, emigre community in the Middle East. (S)

<sup>8</sup> [redacted] IMS/FPLG to [redacted], Chief, IMS/OG/EIRS, "Department of Justice Request for Information on Alleged Nazi War Criminals," 10 March 1980, (S), in DO Records, Job [redacted] Box 1, Folder 4, CIA ARC. (S)

<sup>9</sup> [redacted] 7 August 1980 letter to Ryan, OGC 80-06918, is found in OGC Records, Job [redacted] Box 1, Folder 5, CIA ARC. (U)

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Soobzokov was born in Toktamukai, Caucasus, in the Soviet Union sometime between 1918 and 1924. His own accounts obscured his activities both before and during World War II, but Agency records show that he collaborated with the Nazis as a member of the Caucasian field gendarmerie in 1942. He ended the war as a Waffen SS *Obersturmfuehrer*, or first lieutenant, employed in recruiting fellow Caucasians for German military service. When the Third Reich collapsed, Soobzokov surrendered to the British in Austria but escaped a short time later. Joining his family and other refugees, he went to Italy and then on to Jordan, where he found work with the Amman city government and became active in local Circassian activities.<sup>10</sup> (S)

The CIA remained in contact with Soobzokov after he immigrated to the United States in 1955. On 6 December 1956, a Maj. Lawrence London addressed a letter to Soobzokov in Paterson, New Jersey, announcing the formation of Material Testing Unit No. 1 "to conduct a research program of foreign military material." Maj. London told Soobzokov, "we are interested in securing the services of qualified personnel, both US citizens and aliens, with experience and knowledge specific to our needs." The Army ~~officer~~ invited Soobzokov to travel to Fort Meade, Maryland, to join a CIA paramilitary program, Project AEREDY.<sup>11</sup> (S)

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<sup>10</sup>For a summary of Soobzokov's activities, see [ ] Memorandum for the Record, "Prosecution of Tscherim Soobzokov Background on the Documents Requested by the Department of Justice," 7 February 1980, (S), in OGC Records, Job [ ] Box 2, Folder 33, CIA ARC. (S)

<sup>11</sup>Maj. Lawrence London to Tscherim Soobzokov, 6 December 1956, contained in packet of material on Soobzokov relating to Freedom of Information Act request from Mr. Eugene R. Scheiman to the Department of the Army for all records regarding Soobzokov's employment. See

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Soobzokov trained at Fort Meade from February through August 1957, and he returned to Jordan to run a network of Circassians into Syria. Within a month, Soobzokov had so badly exposed his position in Jordan that the Agency sent him back to the United States. Despite the debacle, the Agency kept him as a reserve agent for another two years, investigating his past. In October 1958, Soobzokov admitted that he had repeatedly lied to the CIA about numerous aspects of his life. A final polygraph test in late 1959 determined that Soobzokov was "an incorrigible fabricator who is still attempting deception about his past." The Agency withdrew Soobzokov's operational approval in the spring of 1960 and had nothing further to do with him.<sup>12</sup> (S)

### Wanted! (U)

Twenty years later this case created considerable turmoil between the Department of Justice and the CIA. The Federal government's case against Soobzokov changed several times after its inception in the mid-1970s as an investigation of the Caucasian immigrant for Social Security fraud. In 1977, Howard Blum wrote *Wanted! The Search for Nazis in America*, which claimed that Soobzokov had participated in war crimes

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[OGC, Memorandum for the Record, "Freedom of Information Request to the Department of the Army concerning Tscherim Soobzokov," 29 February 1980, (S), in OGC Records, Job ☐ Box 2, Folder 33, CIA ARC. (S)]

<sup>12</sup>Copies of various interrogations and polygraph interviews can be found in the OGC files. For example, see [OGC, Memorandum for the Record, "Department of Justice Document Request-Tscherim Soobzokov," 21 February 1980, OGC 80-01444, (S), in OGC Records, Job ☐ Box 2, Folder 33, CIA ARC. See also [Deputy Director for Security, Memorandum to the General Counsel, "Tscherim Soobzokov," 22 February 1980, (S), in OGC Records, Job ☐ Box 2, Folder 32, CIA ARC. (S)]

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during World War II and later worked for the CIA. Soobzokov, in turn, sued Blum for libel and lashed out at several Federal investigators.<sup>13</sup> At the same time, Harry C. Batchelder, Jr., Assistant United States Attorney for the Southern District of New York, became involved in the ever-widening investigation of Soobzokov. Batchelder's inquiries to the US Army about Soobzokov's government employment brought the Central Intelligence Agency into the picture during the fall of 1977.<sup>14</sup> (C)

[ ] of CIA's Office of General Counsel initially coordinated the Agency's role in the Soobzokov investigation with other Federal agencies. In late September 1977, he met with Batchelder and two investigators, Anthony DeVito and Reuben Fier, to discuss the grand jury proceedings against Soobzokov. The Federal prosecutors wanted to move against Soobzokov for war crimes (including reports that Soobzokov had personally executed three individuals). Batchelder, DeVito, and Fier agreed to downplay reports of Soobzokov's employment by the CIA because his "association was of minimal interest to the grand jury investigation." The investigators, however, sought any documentation from CIA records that provided details of his

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<sup>13</sup>A summary of the case against Soobzokov and his various suits against Blum, his publisher, various Federal officials, and later against CBS is found in Soobzokov's "Answer" to the Complaints filed by the Office of Special Investigations. See Answer, *United States of America v. Tscherim Soobzokov*, Civil Action No. 79-3468, United States District Court, District of New Jersey, in OGC Records, Job [ ] Box 2, Folder 35, CIA ARC. Soobzokov did not reach a settlement with Blum's publishers until 1983. See "The Insurers of Times Books Reaches Settlement of Lawsuit," *New York Times*, 3 July 1983, p. 30. (U)

[ ] Office of General Counsel to [ ] "Request for Information on Tscherim Soobzokov from United States Attorney's Office, Southern District, New York," 3 October 1977, OGC 77-6284, (C), in OGC Records, Job [ ] Box 2, Folder 34, CIA ARC. (C)

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wartime activities. At the same meeting [ ] learned from the investigators that Soobzokov had an unusually high level of contact with the Soviet Union, a possible counterintelligence interest. (C)

As a result of his discussion with the three Federal officials, the CIA attorney recommended to [ ] of the Directorate of Operations that records pertaining to Soobzokov's activities during World War II be separated from his regular file and provided to the investigators. [ ] wanted to assure the investigators of the Agency's "continued good faith" and to emphasize that CIA had had no dealings with Soobzokov since the 1950s.<sup>15</sup> (C)

In mid-December 1977, Fier and other attorneys from the Department of Justice came to CIA Headquarters to review DO and Security files relating to Soobzokov.<sup>16</sup> The Office of Security refused to comply with the US District Attorney's request to review Soobzokov's polygraph examinations, although it agreed to respond in summary form to the specific issues.<sup>17</sup> By the end of the year, Soobzokov's case had attracted attention from other investigators, including the House Subcommittee and the General Accounting

<sup>15</sup> [ ] "Meeting with Assistant United States Attorney, Southern District, New York, in response to a Request for Files concerning Tscherim Soobzokov," 8 November 1977, OGC 77-70 [illegible], (C), in OGC Records, Job [ ] Box 2, Folder 34, CIA ARC. (C)

<sup>16</sup> [ ] Memorandum for the Record, "Soobzokov Investigation," [undated], in OGC Records, Job [ ] Box 2, Folder 34, CIA ARC. See also [ ] to [ ] "Department of Justice Inquiry on Tscherim Soobzokov," 12 December 1977, OGC 77-7953, in same files as above. (U)

<sup>17</sup> [ ] , Director of Security, to Acting Deputy Director of Central Intelligence, "Release of Polygraph Questions and Answers to the Department of Justice-Tscherim Soobzokov," 11 January 1978, ER 78-4136, (S), in OGC Records, Job [ ] Box 2, Folder 34, CIA ARC. (S)

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Office. This, in turn, raised questions within the Agency as to who had direct responsibility for Soobzokov's prosecution.<sup>18</sup> (S)

The Soobzokov case languished in the Special Litigation Unit for the next several months until the new Office of Special Investigations took it over and assigned Joseph F. Lynch as its investigating attorney.<sup>19</sup> Lynch came to CIA Headquarters in June 1979 and reviewed Soobzokov's three DO files (sanitized with minor redactions of individual names, project names, and other miscellaneous CIA information). Lynch requested

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<sup>18</sup> [redacted] to [redacted] "The Continuing Saga in the Investigation of Ex-Nazis of the United States," 2 December 1977, in OGC Records, Job [redacted] [redacted] Box 2, Folder 34, CIA ARC. Martin Mendelsohn, the newly-named director of the Special Litigations Unit, also entered the picture at this point, although SLU's investigation was separate from the New York District Attorney's efforts. In March 1978, Mendelsohn told [redacted] that a new US attorney, Thomas H. Belote, had been assigned to the Soobzokov case in addition to Jerry Siegel. Mendelsohn and Belote both asked for access to the CIA's records and raised the issue of using CIA material in any trial of Soobzokov. In early 1979, the Government ended the grand jury investigation of Soobzokov for fraud, leaving Mendelsohn and Belote to focus solely on war crimes. See [redacted] Memorandum for the Record, "War Criminal Investigation," 16 March 1978, OGC 78-1636; [redacted] Office of General Counsel, Memorandum for the Record, "Tscherim Soobzokov/Nazi War Criminal Deportation Litigation-Meeting of 8 November 1978," 20 December 1978, (C); [redacted] Memorandum for the Record, "US v. Tscherim Soobzokov," 5 February 1979, OGC 79-01253, (S), enclosing Mendelsohn to Robert Fiske, US Attorney, Southern District of New York, 5 January 1978 [79], and Fiske to Mendelsohn, 10 January 1979, all in OGC Records, Job [redacted] [redacted] Box 2, Folder 34, CIA ARC. (S)

<sup>19</sup> Joseph F. Lynch, Special Attorney, OSI to [redacted] "Tscherim Soobzokov," 3 July 1979, OGC 79-06128, in OGC Records, Job [redacted] [redacted] Box 2, Folder 34, CIA ARC. Ironically, the US District Attorney's office in New York still had not decided whether to prosecute Soobzokov because of possible irregularities in the earlier grand jury investigation. See [redacted] Memorandum for the Record, "Konstantin Hanff and Tscherim Soobzokov," 3 July 1979, OGC 79-06165, (S), in the same job as above. (U)

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copies of several documents, including Soobzokov's "Biography of an Emigrant" from his sanitized [ ] file.<sup>20</sup> (S)

While under investigation by the Federal government, Soobzokov had filed a libel suit against Blum, his publishers, and CBS News. During the course of his testimony for that case in 1978, Soobzokov claimed that he had provided a written account of his wartime activities to the State Department when he had applied for a visa in late 1954. In July 1979, OSI's Lynch contacted the State Department's Visa Section for assistance in determining whether Soobzokov had made any statements or provided any written record while applying for admittance to the United States regarding his membership in the Waffen SS. While a copy of this request and a follow-up memo in October 1979 appear in OGC's files on Soobzokov, OSI did not make any similar requests to CIA.<sup>21</sup> Based on the State Department's response, OSI could not substantiate Soobzokov's claims and pressed ahead with its investigation. (U)

<sup>20</sup>See Lynch to [ ] 3 July 1979, OGC 79-06128, and [ ] to Lynch, "Tscherim Soobzokov," 13 August 1979, OGC 79-07451, (S), in OGC Records, Job [ ] Box 2, Folder 34, CIA ARC. See also [ ] to [ ] "Department of Justice Investigation of Tscherim Soobzakov [sic]," 12 July 1979, (S) [ ] to [ ] "Department of Justice Investigation of Tscherim Soobzokov," enclosing Lynch's 29 June 1979 notes, 2 July 1979, (S); and [ ] to [ ] "DOJ Request to Review Tscherim Soobzokov Soviet Internal Passport," 11 July 1979, [no classification listed], all in DO Records, Job [ ] Box 1, Folder 1, CIA ARC. (S)

<sup>21</sup>Lynch made these requests to the State Department because Soobzokov had testified that he had written a report about his Waffen SS activities when he had applied for immigration during 1954-55. See Lynch to Visa Office, Department of State, "Tscherim Soobzokov," 27 July 1979, and Lynch to Larry Riveria, Department of State, 11 October 1979. The State Department's response is found in Linda Mathews Eckhardt, Advisory Opinions Division, Visa Services

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On 5 December 1979, the Office of Special Investigations, with Lynch as the trial attorney, filed suit against Tscherim Soobzokov for failing to reveal his membership in the Waffen SS and his other activities on behalf of Nazi Germany. In a 10 count allegation, OSI declared that Soobzokov had also concealed his criminal record in the Soviet Union. Consequently, the Government asserted that Soobzokov never legally entered the United States and that he had procured his citizenship through "concealment of material facts or willful misrepresentation."<sup>22</sup> (U)

In filing suit in New Jersey, OSI's deputy director, Martin Mendelsohn, asked the Agency for permission to use specific documents in Soobzokov's CIA files, including polygraph reports and various wartime documents. Some of these documents revealed that Soobzokov worked for the Germans, which he had admitted during his polygraph tests. Mendelsohn, however, made no request for any records pertaining to Soobzokov's immigration.<sup>23</sup> (U)

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Directorate, to Lynch, "Soobzokov, Tscherim aka Showabzoqa, Abdel Karim," 1 November 1979, all documents in OGC Records, Job C    ➤ Box 2, Folder 34, CIA ARC. (U)

<sup>22</sup>A copy of the 5 December 1979 suit, *United States of America v. Tscherim Soobzokov*, is found in OGC Records, Job C    ➤ Box 2, Folder 34, CIA ARC. (U)

<sup>23</sup>Mendelsohn to [ ] 6 December 1979, OGC 79-10975, in OGC Records, Job C    ➤ Box 2, Folder 34, CIA ARC. (U)

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Mendelsohn's letter to the CIA generated considerable activity within the Agency.<sup>24</sup> The Directorate of Operations refused to release its records to OSI because "should the documents requested be declassified and made available for trial, we would put an almost certain jeopardy on the cover of two CIA staff officers, their subsequent successful and highly sensitive operations and the location of CIA installations in the Middle East and in the United States."<sup>25</sup> The Office of Security also opposed the release of polygraph reports. While it had already agreed to release summary reports of the polygraph interviews, the Office of Security now rejected that approach because the DO had refused to release its records.<sup>26</sup> (S)

[ ] OGC's new point of contact with OSI, endeavored to fashion other approaches to assist the Department of Justice in its prosecution of Soobzokov.<sup>27</sup> [ ] was able to soften the DO's and Security's hard line regarding the specific documents desired by OSI. In addition, [ ] and the DO contacted two former CIA officers familiar with Soobzokov from his time in Jordan in the early 1950s, and they suggested

<sup>24</sup> [ ] Office of General Counsel to Director of Security, "Document Request from Department of Justice," 18 January 1980, OGC 80-00478, (C), in OGC Records, Job [ ] Box 2, Folder 33, CIA ARC. (C)

<sup>25</sup> [ ] of [ ] "Prosecution of Tscherim Soobzokov-DOJ Request for Assistance," 7 February 1980, OGC 80-01138, (S), in OGC Records, Job [ ] Box 2, Folder 33, CIA ARC. For a description of the documents requested by OSI, see [ ] Memorandum for the Record, "Prosecution of Tscherim Soobzokov Background on the Documents Requested by the Department of Justice," 7 February 1980, (S), in the same job as above. (S)

<sup>26</sup> [ ] Deputy Director of Security to [ ] "Tscherim Soobzokov," 15 February 1980, OGC 80-01344, (S), in OGC Records, Job [ ] Box 2, Folder 33, CIA ARC. (S)

<sup>27</sup> [ ] summary of the impasse is found in [ ] Memorandum for the Record, "Department of Justice Document Request-Tscherim Soobzokov," 21 February 1980, OGC 80-01444, (S), in OGC Records, Job [ ] Box 2, Folder 33, CIA ARC. (S)

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several other approaches to obtain information and documents concerning his activities between 1945 and 1955.<sup>28</sup> (S)

### A Turn for the Worse (U)

The Soobzokov case took a serious turn at the end of March 1980 when [ ] spoke with Soobzokov's lawyer about the defendant's earlier Freedom of Information Act (FOIA) request. Michael Dennis, Soobzokov's counsel, now asked whether the CIA had uncovered a "Form V-30," also known as a Personal Data Form, which Soobzokov claimed to have filed with the US Embassy in Jordan. [ ] replied that the searches in response to Soobzokov's FOIA request were still in progress, and he recommended that Dennis provide a copy of this document.<sup>29</sup> At the same time, Ryan at OSI also learned that Soobzokov had a Personal Data Form in his possession. According to Soobzokov's defense attorney, the form showed that he had, in fact, admitted his wartime service to a US consul, Robert Wallace, in Jordan in 1952. (U)

Allan Ryan immediately dispatched letters to both the State Department and CIA requesting their assistance in locating this document. While the State Department again

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<sup>28</sup> [ ] to Rockler, 25 March 1980, OGC 80-02444, (S), in OGC Records, Job [ ] [ ] Box 2, Folder 33, CIA ARC. The DO provided great assistance to [ ] In this effort and, in fact, interviewed the retired officers. See [ ] to [ ] "US v. Tscherim Soobzokov," 7 March 1980, OGC 80-01922, (S), in the same job as above. The notes from the meetings with [ ] and [ ] are found in DO Records, Job [ ] [ ] Box 1, Folder 2, CIA ARC. (S)

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failed to locate any information, CIA had different and disturbing news. The Agency, in reviewing its entire files on Soobzokov, located not only a copy of the Form V-30, but also found an Operations Memorandum from Amman, Jordan, requesting a security advisory opinion for Soobzokov's visa in 1953.<sup>30</sup> Both documents clearly listed Soobzokov's affiliations with German collaborationist units and his service in the Waffen SS.<sup>31</sup> (S)

The Agency's discovery forced Allan Ryan to dismiss OSI's case against Tscherim Soobzokov in July 1980. In a public statement, Ryan admitted that his office could not pursue its case against the Caucasian for concealing his collaboration with the Germans in the Soviet Union or his service in the Waffen SS when he immigrated to the United States or when he applied for American citizenship. The case, Ryan said, had become complicated when Soobzokov's attorney and the Central Intelligence Agency both revealed that they had documents that proved that Soobzokov had, indeed, admitted his wartime activities to the State Department in the early 1950s. As a result of this

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<sup>29</sup> [ ] to [ ] Memorandum for the Record, "27 March 1980 Telephone Call to Michael Dennis," 3 April 1980, OGC 80-02835, in OGC Records, Job [ ] [ ] Box 2, Folder 33, CIA ARC. (U)

<sup>30</sup> [ ] [ ] to [ ] [ ] "State Department Documents concerning Tscherim Soobzokov," 2 April 1980, OGC 80-02851, (C), in OGC Records, Job [ ] [ ] Box 2, Folder 33, CIA ARC. Copies of the two documents are attached to this memorandum. (C)

<sup>31</sup> [ ] [ ] to Lynch, 23 June 1980, OGC 80-05391, (S), in OGC Records, Job [ ] [ ] Box 2, Folder 32, CIA ARC. (S)

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evidence, Ryan asked that the US District Court for New Jersey dismiss the charges against Soobzokov.<sup>32</sup> (U)

Only after several months of research could CIA offer an explanation as to how these State Department records became part of CIA's filing system. At a meeting on 31 March 1980 between representatives of OSI and CIA officials, Ryan tried to diffuse the tension that had developed between Lynch, who had previously reviewed CIA's sanitized files on Soobzokov, and [ ] who managed the DO's support for the Nazi war criminal investigations. It appeared that the CIA had not shown these new documents to the OSI, although [ ] contended that this was not the case. As [ ] later explained, the documents had been "enveloped and sealed" in Soobzokov's [ ] file. The Agency had not made them specifically available to OSI, nor had OSI specifically asked for them because of their State Department origins.<sup>33</sup> (C)

Ryan now faced a dilemma. He recognized that the Agency's method of separating "third agency" documents before external review probably created this situation and that OSI was unaware of the existence of the two critical documents. He told the CIA's General Counsel, "the disclosure that your Agency has had the V-30 document since 1953 places the case under discussion in an entirely new light. The eventual outcome whatever it may prove to be, will almost certainly result in severe

<sup>32</sup>Statement of Allan A. Ryan, Jr., Director, OSI, Department of Justice, 8 July 1980; Thomas O'Toole, "CIA 1952 Files Saves Ex-Nazi in Deportation Case," *Washington Post*, 10 July 1980, p. A13, both in DO Records, Job [ ] Box 1, Folder 3, CIA ARC. (U)

<sup>33</sup>[ ] to Chief/IMS and Office of Security, "Tscherim Soobsokov," 10 April 1980, [no classification listed], in DO Records, Job [ ] Box 1, Folder 2, CIA ARC. (U)

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public embarrassment to the United States Government and in particular to the Department of Justice." OSI's director complained the incident was "an embarrassment that we could have avoided if we had adequate notice of the existence of the document prior to filing the complaint."<sup>34</sup> (U)

Questions remain to this day about the two State Department documents in the Agency's files. In retrospect, it appears that Lynch did not focus on State Department material during his visits to the Agency when he reviewed Soobzokov's sanitized file. Instead, he was interested in other documents in the file, including polygraph reports and Soobzokov's biographical material. The State Department's 1953 Operational Memorandum was in the sanitized file when Lynch reexamined it in May 1980, but he probably did not pay it much attention because it was sealed as a third agency document. The location of the State Department Personal Data Form, the Form V-30, is more uncertain. It was not in Soobzokov's sanitized file in 1996, nor does Lynch mention it in his notes on 1 May 1980. Thus, it is still a matter of conjecture if Lynch could have proceeded with the suit; certainly, the investigation would have proceeded more smoothly if OSI's investigators had reviewed all documents in the Agency's possession.<sup>35</sup> (S)

<sup>34</sup>Ryan to [redacted] 7 April 1980, OGC 80-03058, in OGC Records, Job [redacted] Box 2, Folder 33, CIA ARC. (U)

<sup>35</sup>[redacted] discussed Lynch's reactions to the CIA's disclosures. See [redacted] Memorandum for the Record, "14 April 1980 Meeting with Allan Ryan, OSI/DOJ," 17 April 1980, (S), in OGC Records, Job [redacted] Box 2, Folder 33, CIA ARC; and [redacted] Memorandum for the Record, "Review of Documents by Joseph Lynch, Department of Justice," [undated], in the same job as above, folder 32. Lynch visited the CIA on 29 June 1979 and 2 November 1979 and made notes from both DO and OS records. These notes make no reference to Soobzokov's immigration efforts. See [redacted] Lynch, 9 January 1980, OGC 80-00191, (S), in the same job as above,

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### An Appearance of Collusion (U)

In July 1980, the Office of Special Investigations dropped its suit against Soobzokov because the CIA revelation disproved the Government's allegations. *The Washington Post* wrote that it was a "classic case of the right hand not knowing what the left hand was up to." Elizabeth Holtzman blasted the Agency and said, "I am angered by the implications of this, if the documents giving rise to the dismissal are in fact valid. As a minimum, that would mean that despite Soobzokov's admission that he was a member of the Waffen SS, the State Department, after consultation with the CIA, chose to admit him to the United States." The Democratic Congresswoman believed that "this once again raises the spectre of possible connivance and collusion on the part of our government in admitting, and providing sanctuary to, suspected Nazis."<sup>36</sup> Soobzokov remained a controversial figure and protesters often surrounded his house in Paterson,

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folder 33. A copy of the notes is attached to Security Analysis Group to "Nazi War Criminals Investigation," 13 November 1979, OGC 79-10220, (S), in OGC Records, Job ☐ ☐ Box 2, Folder 29, CIA ARC. Interestingly, there is no correspondence from the DO regarding notes, if any, made by Lynch during this 2 November 1979 visit. Nor did Lynch mention the critical documents during his review of CIA's records on 29 June 1979. See Lynch to ☐ ☐ 3 July 1979, OGC 79-06128, in OGC Records, Job ☐ ☐ Box 2, Folder 34, CIA ARC. (S)

<sup>36</sup>Thomas O'Toole, "CIA 1952 Files Save Ex-Nazi in Deportation Case," *Washington Post*, 10 July 1980, p. A13. The Agency provided Holtzman with a briefing in the midst of the ongoing criticism. See Directorate of Operations Spot Report, "Use of Documents from CIA Files in Ex-Nazi Deportation Case," 14 July 1980, (S), citing a 10 July 1980 *Washington Post* article, "CIA 1952 Files Save Ex-Nazi in Deportation Case," in OGC Records, Job ☐ ☐ Box 3, Folder 32, CIA ARC. The *New York Times* had a small piece in its second section about the dismissal of the Soobzokov case on 10 July 1980. (S)

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New Jersey.<sup>37</sup> He died after a mysterious bomb explosion, which the FBI linked to a series of attacks on Arab-Americans and suspected Nazi war criminals in the United States by militant Jewish organizations. No arrests have been made, and the case remains open to this day.<sup>38</sup> (U)

As OSI gained more experience, the rancor over the Soobzokov case faded. The CIA now realized that "third agency" documents contained vital information for Nazi war criminal investigations that might not be available in the files of the originating agency. It also recognized the need to enhance its overall system of conducting name traces for OSI. The Soobzokov case was a painful learning experience for both CIA and OSI.<sup>39</sup> (U)

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<sup>37</sup>A year after OSI dropped its case, Jack Anderson wrote about Soobzokov. Jack Anderson, "US Gives Ex-Nazis a Security Blanket," *Washington Post*, June 5, 1981, p. C17. CIA still faced a Freedom of Information Act request from Richard Krieger, Executive Director of the Jewish Federation of North Jersey and the American Civil Liberties Union for details about Soobzokov's immigration. See *American Civil Liberties Union of New Jersey v. Department of Justice, et al*, United States District Court for the District of Columbia, Civil Action No. 81-0815, in OGC Records, Job C    ➤ Box 2, Folder 27, CIA ARC. Jack Anderson again reported on Soobzokov in an article, "Long Memories in New Jersey about 3rd Reich," *Washington Post*, 11 July 1981, p. B7. (U)

<sup>38</sup>Ralph Blumenthal, "Man Accused of Nazi Past Injured by Bomb in Jersey," *New York Times*, 16 August 1985, p. B2; Albert J. Parisi, "Pipe-Bomb Death Puzzles Authorities," *New York Times*, 15 September 1985, Section XI, pp. 8-9; and Judith Cummings, "F.B.I. Says Jewish Defense League May Have Planted Fatal Bombs," *New York Times*, 9 November 1985, pp. 1 and 32. (U)

<sup>39</sup>The problem of handling "third agency" material in CIA files was partially alleviated in late 1980 when the INS allowed CIA to provide immigration records directly to OSI. Glenn A. Bertness, Acting Associate Commissioner Enforcement to [redacted] 12 November 1980, CO 105.3-C, in DO Records, Job C    ➤ Box 1, Folder 5, CIA ARC. (U)

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### Edgars Laipenieks (U)

As Ryan reviewed the other OSI cases in 1980, he found that the Federal government had become embroiled in another legal morass over Edgars Laipenieks. Media reports and political maneuvering only complicated matters. In 1976, Soviet newspaper *Tass* alleged "in defiance of international law, and mocking the memory of millions of victims of fascism, the CIA has been for long sheltering in US territory former Nazi executioners from retribution in token for 'gratitude' for their 'services' to US intelligence services." *Tass* cited Edgars Laipenieks, a "former collaborator of the Nazi police in the Nazi-occupied territory of Latvia, who is guilty of committing at least 37 war crimes."<sup>40</sup> (U)

Born in Latvia in 1913, Laipenieks joined that small country's army during the early 1930s and later competed at the 1936 Olympics. During the Soviet occupation of Latvia, Laipenieks claimed to have witnessed numerous atrocities committed by the Russians, including the deportation of his wife's family to Siberia, where they died.

Following the Soviet retreat from Latvia in the face of the German onslaught in 1941, Laipenieks joined the Latvian political police and hunted staybehind communist agents and sympathizers. In this role, Laipenieks, according to a 1946 CIC report, served "allegedly [as] an interrogator at the Gestapo jail in Riga, Latvia. He was actually seen

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<sup>40</sup>Georgiy Tsaritsyn, "Under the Patronage of CIA," *Tass*, 16 October 1976, translated by FBIS. Translated article found in Edgars Laipenieks, File ☐ DO Records. (U)

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killing four persons at said jail during interrogations." Laipenieks, one witness recounted, was "a most cruel and mean character, known for his mistreatment of prisoners."<sup>41</sup> (S)

In addition to his Latvian police activities, Laipenieks worked for the German *Abwehr* to counter Soviet attempts to infiltrate the Baltic States. According to his own account, he continued to work with the Germans until 1943 when he returned to his civilian occupation as a baker in his family's business. Laipenieks fled from Latvia in the summer of 1944 and eventually arrived in Austria the following summer. After a minor altercation with the French occupation authorities over stolen property, he became a ski coach for the French Army, and in 1947 immigrated to Chile, narrowly escaping the Soviets, who apparently sought his arrest for his wartime activities.<sup>42</sup> (S)

Laipenieks toured the United States in the mid-1950s when he met the athletic director of the University of Denver, who offered him a position as an assistant ski coach and physical education teacher. He accepted the position and moved to the United States as a Chilean citizen in 1960. He spent several years in Colorado, coaching at the

University of Denver and working odd jobs during the summer months. Through one of his sons, CIA reestablished contact with him in the hope that he might convince [ ]

[ ] to defect at an international track meet at Stanford University in July 1962. Laipenieks made an appointment with [ ] whom he had met at the

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<sup>41</sup>For a brief description of Laipenieks, see "Rough Summary of Information Concerning the Wartime Activities of Edgars Laipenieks [ ] in Latvia," 20 October 1976, and "Rough Summary of CIA Operational Involvement with Edgars Laipenieks [ ]," 20 October 1976, (S), in Laipenieks, File [ ] DO Records. (S)

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Melbourne Olympics games, and found that the coach was receptive to Western advances. (S)

Later that summer, CIA officials in Washington had an opportunity to talk with Laipenieks and assess him. While his case officer found him in July 1962 to be a "very willing" and "able operator," Headquarters had a different opinion two months later.<sup>43</sup> The Agency expressed concern about his wartime activities, and determined that Laipenieks was an "anti-social and shifty individual." Headquarters recommended that the defection operation continue with Laipenieks in a lesser role. In the meantime, Laipenieks tried on his own to induce a Latvian-born Soviet athlete to defect in the fall of 1962. This independent plan, not approved by Headquarters, backfired, and the athlete exposed Laipenieks as an American agent. This "inept performance," CIA noted, had "seriously compromised his usefulness," and the Agency recommended that Laipenieks be used with "extreme caution."<sup>44</sup> (S)

Laipenieks lost his job at the University of Denver in the summer of 1963 and his contact with the CIA dwindled after that point. The Agency concluded that the KGB had controlled ☐ throughout the period that Laipenieks had been in contact with him. CIA last heard from Laipenieks in 1968 shortly after the Olympic games in Mexico

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<sup>42</sup>Ibid. See also "Translation of ☐ Autobiographical Statement," 5 September 1962, (S), in Laipenieks, File ☐ DO Records. (S)

<sup>43</sup>See ☐ Chief, SR/2/Baltic, Memorandum for the Record, " ☐ Background Information," 14 September 1962, SR/2-B-62-245, (S), in Laipenieks, File ☐ DO Records. (S)

<sup>44</sup>Quoted in "Rough Summary of CIA Operational Involvement with Edgars Laipenieks ☐ " 20 October 1976, (S), in Laipenieks, File ☐ DO Records. (S)

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City.<sup>45</sup> By the mid-1970s, Laipenieks lived in San Diego, where he worked as a high school coach and gardener. (S)

### The INS Opens an Investigation (U)

CIA played no role in Laipenieks' immigration to the United States nor did it have any relationship with the Latvian while he lived in South America. The Agency, however, had complicated matters after it made contact with Laipenieks in 1962. He admitted to his case officer at that time that he had failed to mention his wartime service to INS officers. [ ] the CIA officer who debriefed Laipenieks in a California motel room in 1962, commented that "I couldn't advise him on this matter and that he should leave it to his conscience whether he should or should not report these facts" upon submitting his petition for citizenship. [ ] recommended that the Agency take no steps to report Laipenieks to the Immigration and Naturalization Service, and he even urged the Agency to process the Latvian under Public Law 110.<sup>46</sup> The Agency's failure to notify the Immigration and Naturalization Service about these issues later had serious ramifications.<sup>47</sup> (S)

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<sup>45</sup>Ibid. (S)

<sup>46</sup>[ ] , Background Information," 14 September 1962, (S), in Laipenieks, File [ ] DO Records. (S)

<sup>47</sup>CIA did inspect Laipenieks' visa file at the State Department in 1962. The Agency's Office of Security expressed concern about his 1945 arrest by the French in Austria to see whether it had any impact on his immigration to the United States. See "Laipenieks, Edgars #161 260," 20 December 1962, attached to [ ] Deputy Director of Security to [ ] Office of General Counsel, "United States v. Edgars Laipenieks," 5 January 1981, in OGC Records, Job [ ] [ ] , Box 2, Folder 24, CIA ARC. (U)

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The Laipenieks matter took a turn in 1973, when the Central Intelligence Agency answered with a "no derogatory" reply to an INS inquiry in support of deportation hearings against him. Two years later, Edgars Laipenieks wrote to the Agency asking for access to his records to fight his deportation. CIA filed this letter as a Freedom of Information Act request and informed Laipenieks of this action in April and May 1975.<sup>48</sup> The following year, CIA informed the INS that Laipenieks had written to the Agency for assistance and that "a review of our files neither proves nor disapproves the allegations." The Agency told immigration authorities that Laipenieks had been associated with CIA from 1958 through 1967 to "assist us in assessing and developing targets of interest from Communist Bloc countries."<sup>49</sup> The INS subsequently told the Agency that the Latvian "is not amenable to deportation under existing laws."<sup>50</sup> This information prompted Gene F. Wilson, the Agency's Information and Privacy Coordinator, to write to Laipenieks in the summer of 1976 with the news that "we have now been told that you are 'not amenable to deportation under existing laws.' It is our understanding that INS has advised their San Diego office to cease any action against

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<sup>48</sup>In his May 1975 letter to Laipenieks, Robert S. Young, the Agency's Freedom of Information Coordinator, said "research on your case is still underway. The Agency appreciates your past cooperation, and we will notify you just as soon as we possibly can regarding any assistance we can provide." Robert S. Young, Freedom of Information Coordinator to Laipenieks, 5 May 1975, in OGC Records, Job ☐ ☒ Box 2, Folder 26, CIA ARC. (U)

<sup>49</sup>DDO to Gen. Leonard F. Chapman, Jr., Commissioner of Immigration and Naturalization, "Laipenieks, Edgars," 8 March 1976, in OGC Records, Job ☐ ☒ Box 2, Folder 26, CIA ARC. (U)

<sup>50</sup>☐ ☒ Interdepartmental Branch, Liaison Group, Operations Staff, Memorandum for the Record, "Laipenieks, Edgars," 28 June 1976, in OGC Records, Job ☐ ☒ Box 2, Folder 26, CIA ARC. (U)

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you.” Wilson concluded his letter with the note that “if such does not prove the case, please let us know immediately. Thank you once again,” Wilson added, “for your patience in this instance, and your past assistance to the Agency.”<sup>51</sup> (U)

CIA’s correspondence with Laipenieks soon became public knowledge in the fall of 1976 when Bob Dorn and Martin Gerchen of the San Diego *Evening Tribune* revealed that both the American and Israeli Governments suspected him of war crimes. Denying these reports, Laipenieks showed the three letters that he had received from the Central Intelligence Agency as part of his FOIA request. This prompted the journalists to conclude that the CIA “has intervened with the INS to stop proceedings against Laipenieks” because of his “past cooperation” and “assistance.”<sup>52</sup> Bob Dorn raised the issue with DCI George Bush, when Bush visited Sacramento in November 1976. The DCI admitted to Dorn only that Laipenieks “had been of some use many, many years ago.”<sup>53</sup> (U)

**The Latvian Connection (U)**

The furor surrounding the Laipenieks case coincided with mounting Congressional interest in the Nazi war criminal investigations. In October 1976, Reps.

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<sup>51</sup>Gene F. Wilson, Information and Privacy Coordinator to Laipenieks, 20 July 1976, OGC Records, in OGC Records, Job C      3, Box 2, Folder 26, CIA ARC. (U)

<sup>52</sup>Bob Dorn and Martin Gerchen, “County Man Branded as War Criminal,” San Diego *Evening Tribune*, 14 October 1976, pp. A-1 and A-10; Martin Gerchen, “New Accuser Emerges in Latvia Case,” San Diego *Evening Tribune*, 15 October 1976, pp. A-1 and A-10; and Bob Dorn, “Law Shields Laipenieks,” San Diego *Evening Tribune*, 16 October 1976, pp. A-1 and A-3. (U)

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Eilberg and Holtzman of the House Immigration Subcommittee wrote the INS commissioner demanding information about CIA's intervention on behalf of Laipenieks.<sup>54</sup> Congressman Lucien N. Nedzi (D MI) also asked the CIA to brief him about the Laipenieks case that same month.<sup>55</sup> While the Agency and the INS responded to Congressional concerns, pressure mounted for a full investigation.<sup>56</sup> (S)

The GAO paid particular attention to Laipenieks during its investigation as did the SLU, which asked to examine CIA's records on him and his cousin, Jakobs Laipenieks, in early 1979.<sup>57</sup> Later that year, the new Office of Special Investigations took up the Laipenieks case because the Holtzman Amendment now allowed the Justice Department to pursue those individuals who entered the United States under the 1952 immigration law. OSI also expressed great interest in examining the Agency's files on members of

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<sup>53</sup>Bob Dorn, "CIA Denies Giving Aid to War Crimes Suspect," *San Diego Evening Tribune*, 30 November 1976, pp. A-1 and A-10. (U)

<sup>54</sup>Eilberg and Holtzman to Gen. Chapman, 15 October 1976, in OGC Records, Job                  , Box 2, Folder 26, CIA ARC. (U)

<sup>55</sup>                  Deputy Legislative Counsel, Memorandum for the Record, "Briefing of Chairman Lucien N. Nedzi (D MI), Special Subcommittee on Intelligence, House Armed Services Committee, 19 October 1976, OLC 76-3035, in OGC Records, Job                  , Box 2, Folder 26, CIA ARC. (U)

<sup>56</sup>For the CIA's explanation of the events leading to the controversy, see Office of Legislative Counsel to William G. Miller, Staff Director, Senate Select Committee on Intelligence, "Edgars Laipenieks, ex-Latvian Intelligence Officer Accused of World War II Crimes," 16 November 1976, OLC 76-3329, (S), in OGC Records, Job                   Box 2, Folder 26, CIA ARC. For Gen. Chapman's response to the House Immigration Subcommittee, see Chapman to Eilberg, 24 January 1977, CO 703.951, in the same job as above. In addition, Martin Gerchen, the San Diego reporter who broke the Laipenieks story, appealed to his Congressman in 1977 for a full investigation of the case. (S)

<sup>57</sup>                  to various CIA offices, "Name Trace and Records Search - Meir Katz, Lou Gleser, Arvid Lazdins, Jakobs (Jacobs) Laipenieks," 5 December 1978, OLC 78-3708, (S), and                   to                   "Edgars Laipenieks," 15 February 1979, OGC 79-01668, (S), both documents in OGC Records, Job                   Box 2, Folder 26, CIA ARC. (S)

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various Latvian collaborationist units. Without any explanation, OSI told the Agency that it had decided not to pursue the Laipenieks matter in October 1979.<sup>58</sup> (S)

The Laipenieks case lay dormant until January 1980 when ABC Television announced that the CIA had intervened to prevent his deportation. OSI now opened its investigations of Laipenieks, Vilis Hazners, and a postwar Latvian group called the *Daugavas Vanagi*, (the "Hawks of the Dauvaga)."<sup>59</sup> The Agency searched its records for the various Latvian suspects and organizations and relayed its limited findings.<sup>60</sup> (S)

By the summer of 1981, OSI had enough evidence to initiate a deportation suit against Laipenieks for concealing and misrepresenting his activities between 1941 and

<sup>58</sup>George Parker, OSI to [redacted] 8 May 1979; [redacted] to various CIA offices, "Nazi War Criminal Investigations," 10 May 1979, OGC 79-04394; [redacted] IMS/FOIA, Privacy and Litigation Group to [redacted] "Meeting with Department of Justice Representatives re Nazi War Criminal Investigation," 24 July 1979, OGC 79-06889, (S), and [redacted] Deputy Director of Security to [redacted] "Department of Justice Investigation of Alleged Nazi War Criminals," 7 August 1979, OGC 79-07397, (S), all documents in OGC Records, Job [redacted] Box 2, Folder 26, CIA ARC. (S)

<sup>59</sup>The INS charged Hazners as a member of a Latvian police organization and filed a deportation suit in 1977. SLU poorly handled the case, which was finally dropped by OSI in 1981. Ryan, *Quiet Neighbors*, pp. 60 and 355. For various memoranda and correspondence about OSI's request to examine CIA holdings on the *Daugavas Vanagi*, see OGC Records, Job [redacted] Box 1, Folder 12, CIA ARC. (U)

<sup>60</sup>Some of the documents uncovered include a suspected 1962 KGB-inspired Latvian publication, *Who Are the Daugavas Vanagi?*, which CIA translated for OSI in early 1981. The Agency also permitted OSI to examine 1945 and 1946 reports on SD agents in Latvia. In addition, the Agency uncovered some older material on postwar Latvian resistance and emigre activities and a translation of a pro-German Latvian encyclopedia article on the wartime *Lettische SS Freiwilligen Legion*. The Agency did not permit OSI to review its holdings on Latvian activities in Denmark in the late 1950s (supported by the Free Europe Citizens Service) relating to the *Daugavas Vanagi*. See [redacted] to [redacted] Acting Chief, FOIA Privacy and Litigation Group, "Request Traces on the *Daugavas Vanagi*," 21 November 1980, DOR-00236, (S), in DO Records, Job [redacted] Box 1, Folder 5, CIA ARC. (S)

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1943 and his arrest by French authorities in 1946.<sup>61</sup> Prior to taking this action, Ryan, perhaps mindful of the Soobzokov debacle, wrote to [ ] in the CIA's Office of General Counsel seeking answers to various questions that had arisen during the reviews of Laipenieks' files at the Agency. Ryan closed with a question: Did CIA have any "national security objections to the filing of the deportation proceedings against Edgars Laipenieks?"<sup>62</sup> [ ] who had replaced [ ] as the OGC attorney handling the Nazi war criminal cases assured OSI that "all relevant Agency documents on Laipenieks have been shown to your investigators."<sup>63</sup> (S)

In 1982, OSI took its case against Laipenieks before John C. Williams, a Federal immigration judge. After hearing extensive testimony (much of it videotaped depositions from witnesses in the Soviet Union about brutality at the Riga Central Prison), Judge Williams decided in June of that year that the Office of Special Investigations had failed to prove that Laipenieks had participated in war crimes. It was a setback for OSI, but the defeat did not reflect any discredit on the CIA in its efforts to assist the Department of Justice. The following summer, OSI won its case against Laipenieks when the Board of Immigration Appeals ruled that the Latvian should be deported to Chile for "clear and convincing evidence" that he had participated in political persecution during the war on

<sup>61</sup>A copy of the charges in *US v. Edgars Laipenieks*, filed in San Diego on 2 June 1981, are attached in Ivars Berzins, Laipenieks' attorney to [ ] 14 July 1981, in OGC Records, Job [ ] Box 2, Folder 24, CIA ARC. (U)

<sup>62</sup>Ryan to [ ] 10 March 1981, OGC 81-01999, in OGC Records, Job [ ] Box 2, Folder 26, CIA ARC. (U)

<sup>63</sup>[ ] to Ryan, 17 April 1981, OGC 81-03212, (S), in OGC Records, Job [ ] Box 2, Folder 26, CIA ARC. (S)

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behalf of the Third Reich.<sup>64</sup> The 9th US Circuit Court overturned this verdict in 1984 and, despite OSI's repeated efforts as late as 1988, Laipenieks remained in the United States. (U)

The Laipenieks case lasted over ten years—far longer than the Agency's relationship with the Latvian. The Agency did not do anything illegal, but it did highlight shortcomings within the Agency in handling and communicating information. The CIA's failure in 1962, for example, to notify the Immigration and Naturalization Service that Laipenieks had lied on his application for immigration later created problems. Similarly, the Agency's responses to his requests for information in the mid-1970s appeared overly friendly. Laipenieks exploited the Agency's letters to forestall deportation hearings, which sowed the perception that the CIA had actually intervened with the INS in the Latvian's favor. It was subsequently difficult for the Agency to explain its actions and to demonstrate that it had not assisted Laipenieks. (U)

The Laipenieks case showed that the Agency could provide OSI with crucial evidence without jeopardizing national security or its responsibility to protect sources and methods. Likewise, the CIA provided the Office of Special Investigations with full access to all "third agency" material contained in Laipenieks' records. The case marked an important step forward in broadening the working relationship between CIA and the Department of Justice. (U)

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<sup>64</sup>Associated Press report, "San Diego Man Ordered Deported for World War II Activities," 15

**DRAFT WORKING PAPER****Otto von Bolschwing (U)**

The Department of Justice scored another coup when it stripped Otto Albrecht Alfred von Bolschwing of his citizenship. Bolschwing had been a CIA asset, of dubious quality, in Austria during the late 1940s and early 1950s. The Agency brought Bolschwing and his family to the United States in 1954, although it had little to do with him after that point. Bolschwing became an American citizen in 1959 and worked with various American companies in New York and California.<sup>65</sup> (U)

Following the arrest of Adolf Eichmann and his trial in Israel, the Central Intelligence Agency examined its records concerning the "architect of the Final Solution." [redacted] an expert on the Counterintelligence Staff, discovered that Bolschwing had played a larger role in the SS than he had admitted when he first came into contact with CIA. At the same time, some of Bolschwing's former CIA case officers in Austria, including [redacted], wondered about their agent's claims. In 1961, [redacted] stated that one of Bolschwing's agents had proved "fraudulent" following Bolschwing's departure to the United States.<sup>66</sup> The Agency, however, did not take any action against Bolschwing after the discovery of his false record beyond asking him to withdraw his application for a

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September 1983, in OGC Records, Box [redacted], Box 2, Folder 24, CIA ARC. (U)

<sup>65</sup>For further information, see Kevin C. Ruffner, "Prussian Nobleman, SS Officer, and CIA Agent: The Case of Otto Albrecht Alfred von Bolschwing," *Studies in Intelligence* (1998), vol. 42, no. 1, pp. 61-77, now declassified. (U)

<sup>66</sup>[redacted] to [redacted], "Inge von der Tann," [undated c. 1961], (S), in OGC Records, Job [redacted] Box 2, Folder 29, CIA ARC. (S)

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US government-sponsored position in India.<sup>67</sup> In 1963, Headquarters informed its

German Station that Bolschwing, then in Europe, had no CIA connection.<sup>68</sup> (S)

Bolschwing came to the attention of the Special Litigation Unit (SLU) in a circuitous manner. While investigating Valerian Trifa, a Romanian bishop, for his role as an Iron Guard leader during the war, attorney Eugene M. Thirolf inquired about certain German officials posted to Romania in 1941. Thirolf requested information on Otto Albrecht Alfred von Bolschwing, a captain in the German SS and the SD's representative in Bucharest.<sup>69</sup> Thirolf's letter raised alarm bells in CIA because Bolschwing had an extensive record in the Agency. A quick review of these files by the CIA and Martin Mendelsohn, SLU's chief, revealed that Bolschwing "may not have been totally frank when he neglected to mention past membership in the Nazi Party" on applying for naturalization in 1959.<sup>70</sup> OGC's [redacted] warned in early March 1979 that an investigation of Bolschwing threatened the Agency because a preliminary examination of

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<sup>67</sup> [redacted] Chief, Eastern Europe Division to DDP, "Otto Albrecht Alfred von Bolschwing," 10 May 1961, (S), in OGC Records, Job [redacted] [redacted], Box 2, Folder 29, CIA ARC. (S)

<sup>68</sup> Cable, Headquarters to Frankfurt, DIR 70116, 19 September 1963, (S), in OGC Records, Job [redacted] [redacted] Box 2, Folder 29, CIA ARC. (S)

<sup>69</sup> Thirolf to [redacted] [redacted], OGC, 18 July 1978, CO 1421, with attachment dated 9 August 1978, in OGC Records, Job [redacted] [redacted] Box 2, Folder 29, CIA ARC. Thirolf also sought information on Col. Boris T. Pash, a US Army officer detailed to CIA at various times, and two other Germans, Artur A. Konradi and Dr. Heinrich Graf von Meran. (U)

<sup>70</sup> [redacted] [redacted] to Mendelsohn, 2 February 1979, OGC 79-01118, (S), in OGC Records, Box 2, Folder 29, CIA ARC. (S)

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his records raised a number of "obvious questions" about his relationship with CIA over the years.<sup>71</sup> (S)

### A New Campaign (U)

In early 1979, SLU launched a full investigation of Bolschwing's immigration and wartime activities. Ironically, Mendelsohn had initially planned only to use Bolschwing as a witness against Trifa. Jeffrey Mausner took over the Bolschwing investigation for the new Office of Special Investigations in the summer of 1979 and continued to examine the Agency's holdings.<sup>72</sup> In November of that year, Mendelsohn approached CIA with several urgent questions regarding the Agency's affiliation with Bolschwing. In light of OSI's pending suit against Bolschwing, the Department of Justice was concerned whether CIA had any objections to the legal proceedings or if the German could blackmail the Agency. Mendelsohn also expressed uncertainty as to whether CIA officials might testify on Bolschwing's behalf in light of his close connection to the Agency.<sup>73</sup> (S)

<sup>71</sup>For a discussion of the early aspects of this case, see [redacted] to General Counsel, "Otto Albrecht Alfred von Bolschwing—Possible Violation of 18 USC 1001 and 1015 (False Statements to the US Government)," 12 March 1979, (S). [redacted] added some comments to this memo in April 1979 that shed further information about the early Bolschwing investigation. See [redacted] to [redacted]

[redacted] "Attached Memorandum on Otto Albrecht Alfred von Bolschwing," 5 April 1979, (C), both documents in OGC Records, Job [redacted] Box 2, Folder 29, CIA ARC. (U)

<sup>72</sup>Mendelsohn to [redacted] 16 July 1979, OGC 79-06581 [redacted] to [redacted] Department of Justice Investigation of Alleged Nazi War Criminals—Otto Albrecht von Bolschwing," OGC 79-07460, 13 August 1979, (S); Mausner to [redacted] 22 August 1979, OGC 79-07895, (S); and [redacted] Mausner, 26 October 1979, OGC 79-09696, (S), all documents in OGC Records, Job [redacted]

[redacted] Box 2, Folder 29, CIA ARC. (S)

<sup>73</sup>Mendelsohn to [redacted] 30 November 1979, OGC 79-10974, (S), in OGC Records, Job [redacted] Box 2, Folder 29, CIA ARC. (S)

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In January 1980, representatives of CIA's Office of General Counsel and the Directorate of Operations held a meeting with the Office of Special Investigations to address Mendelsohn's questions. Speaking for the Agency, the DO's [ ] said that CIA did not plan to assist Bolschwing in his defense, but that the Agency could help OSI in bringing Bolschwing to trial. Given the fact that Bolschwing's knowledge of CIA operations was dated [ ] [ ] doubted that the Agency had to worry about any form of blackmail. [ ] [ ] warned, however, that the Agency did not know what Bolschwing's case officer [ ] [ ] had told him when applying for a visa because [ ] [ ] had died. Likewise, the DO noted that the INS had possessed an "auxiliary" file on Bolschwing at the time of his departure from Austria; neither CIA nor the INS, however, could locate these records.<sup>74</sup> (S)

Public pressure grew in 1980 after Simon Wiesenthal's *Dokumentationszentrum des Bundes Judisches Verfolgter des Naziregimes* in Vienna announced Bolschwing's presence in the United States.<sup>75</sup> Despite [ ] [ ] verbal assurances in January 1980 that CIA had no objections to OSI's suit, the Agency failed to state this assurance in writing.

Pressed by OSI's new director, Allan A. Ryan, Jr., for an answer to his office's letter of 30 November 1979 about Bolschwing, CIA did not respond until the summer of 1980. At

<sup>74</sup> [ ] Memorandum for the Record, "Meeting with Department of Justice Representatives on Alleged Nazi War Criminals Otto von Bolschwing and Tscherim Soobzokov," 17 January 1980, OGC 80-00581, (S), in OGC Records, Job [ ] [ ] Box 2, Folder 29, CIA ARC. (S)

<sup>75</sup> Bulletin of Information No. 20, 31 January 1980, *Dokumentationszentrum des Bundes Judisches Verfolgter des Naziregimes*, in OGC Records, Job [ ] [ ] Box 2, Folder 29, CIA ARC. In a routing sheet to OGC, [ ] [ ] annotated, "FYI. It looks like the start of a campaign to get Von Bolschwing." (U)

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that time [ ] attempted to clarify some of OSI's concerns about the Agency's

views on this case and the availability of its records for use in court. He reiterated

[ ] point that "CIA has no objection to the initiation of proceedings against von Bolschwing. Indeed, our position on this matter is neutral, and our only interest is to protect sensitive and classified information concerning our former relationship with von Bolschwing."<sup>76</sup> (S)

OSI still expressed anxiety about the Agency and its knowledge of Bolschwing's activities at the time of his immigration in the mid-1950s. A month after Ryan announced that OSI had to drop its suit against Tscherim Soobzokov because of the discovery of new evidence in CIA's files, Jeffrey Mausner, the OSI attorney handling the Bolschwing investigation, submitted an eight page letter to the Agency. He emphasized, "most of our cases are based on a claim that the defendant misrepresented his Nazi background at the time of his entry into the US or at the time of his naturalization. It is," Mausner wrote, "therefore important to know exactly what INS, State Department, and CIA knew about von Bolschwing at the time of his entry and naturalization." OSI asked that the CIA search its records for any "preliminary questionnaire" used by the State Department's consular office in Munich to process his visa application in the second half of 1953. Likewise, the Department of Justice asked the Agency to produce an expert

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<sup>76</sup>See Ryan to [ ] 3 May 1980, OGC 80-0492, (S), and [ ] reply, [ ] to Ryan, 12 June 1980, OGC 80-04978, (S), both in OGC Records, Job [ ] Box 2, Folder 28, CIA ARC. For background information about [ ] response, see [ ] to [ ] "Department of Justice Questions concerning Otto von Bolschwing," 2 April 1980, OGC 80-02813, (S), in OGC Records, Job [ ] Box 2, Folder 29, CIA ARC. (S)

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witness to explain how the Alien Affairs Staff dealt with the Immigration and Naturalization Service in the 1950s. OSI clearly wanted to avoid a repetition of the Soobzokov debacle.<sup>77</sup> (S)

The Agency, however, could not satisfy many of OSI's requests because the passage of time had rendered it difficult to reconstruct the complicated twists involved with Bolschwing's immigration. Officers familiar with the work of the Alien Affairs Staff in the early 1950s had long since retired. While the Agency identified "third agency" material within its files and sent copies of these documents for review by the proper offices (including the State Department, Army, and the National Security Agency), CIA could not reconstruct the INS's supposed "auxiliary" file on Bolschwing.<sup>78</sup> (S)

**Meeting a Former Agent (U)**


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<sup>77</sup>Mausner, "Otto von Bolschwing," 28 August 1980; and [redacted] to [redacted] [redacted] "Meeting with DOJ Representatives concerning their Investigation of Edgars Laipenieks and Otto von Bolschwing," 2 September 1980, OGC 80-07543, (S); Note to [redacted] [redacted], "Otto von Bolschwing," [undated]; and [redacted] [redacted], Director of Security to [redacted] [redacted], "Department of Justice Request re Nazi War Criminals Investigation of Otto Albrecht von Bolschwing," 19 September 1980, OGC 80-08078, (S), all documents in OGC Records, Job [redacted] [redacted], Box 2, Folder 28, CIA ARC. (S)

<sup>78</sup>At the conclusion of Bolschwing's project in Austria in 1954, the CIA had 55 reels of microfilm of his reports with an additional 10 reels of indexes dating back to 1948. In addition to his large 201 file, extensive records on Bolschwing collected by the Salzburg Operations Base survive as SALZ-CIA-PRO-1 and are now filed as DO Records, Job [redacted] [redacted], Boxes 9, 13, and 14, CIA ARC. See also Memorandum for Record, [redacted] [redacted] Records Integration/Project Officer, "GROSSBAHN Files (SALZ-CIA-PRO-1)," 16 January 1956, in Bolschwing, File [redacted] [redacted], DO Records. The microfilm material is located in DO/IMS, Central Files Branch. OSI reviewed Bolschwing's 201 file, but it is uncertain if the investigators saw any of the Austrian project files or Bolschwing's microfilm records. (S)

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OSI interviewed Otto von Bolschwing at his home in California in early 1981.

Represented by his son, Golman V. von Bolschwing [ ] and [ ]

[ ] from the Central Intelligence Agency also attended the meeting. After discussing procedural issues, Golman ("Gus") von Bolschwing did most of the talking. He called OSI's actions in his father's case "hypocrisy" because the Government knew the details of Bolschwing's life before his arrival in the United States. "And so I wonder as I sit here," the younger Bolschwing asked, "does the means justify the end? Do two wrongs make a right? It is just as difficult for my father at this point to prove his case, to disprove pieces of paper that are now forty years old, as it was for certain individuals who did try to do justice and to find and to prosecute Germans when there were no living witnesses or it was very hard to obtain living witnesses." Subsequent questioning by OSI's Mausner confirmed that Bolschwing's memory about his membership in the Nazi Party and the SS was fragile.<sup>79</sup> (U)

The Office of Special Investigations nevertheless filed its suit against Bolschwing in late May 1981 in the US District Court for the Eastern District of California.

Bolschwing faced three counts of procuring his citizenship in 1959 through willful misrepresentation when he failed to declare his membership in the Nazi party, the SS, the SD, and the RSHA, all organizations declared criminal by the International Military Tribunal at Nuremberg. The court ordered the former German officer to appear at the US

<sup>79</sup>Sullivan to [ ] 13 February 1981, OGC 81-01452, enclosing Sworn Statement of Otto Albrecht Alfred von Bolschwing, A8-610-051, 2 February 1981, in OGC Files, Job [ ] Box 2, Folder 25, CIA ARC. (U)

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Attorney's office in Sacramento for deposition and to provide all records, photographs, or other documents from 1932 to 1945.<sup>80</sup> (U)

### A New Twist (U)

Bolschwing offered a new defense in a Sacramento newspaper shortly after OSI filed its charges. He now claimed that he had actually served as a "secret agent" for the Office of Strategic Services during the war. "It's not true," Bolschwing said, that "I never served in the SS or Gestapo or SD (the intelligence branch of the SS). I did serve in the OSS for the Americans, and I did parachute into Austria." According to Bolschwing, "it was dangerous work in Germany (for the Americans)." In a separate statement, Bolschwing confided that he had even met William J. Donovan, later director of OSS, in New York prior to the outbreak of World War II. Allan Ryan, speaking for OSI, immediately denounced Bolschwing's statement. "What he said is not true. Our case relates from the middle 1930s through the war, and during that period he was not a double agent for the US or anything like that. He was not affiliated in any way with the

~~US Government.~~<sup>81</sup> (U)

<sup>80</sup> *US v. Otto Albrecht Alfred von Bolschwing*, Civil Action S-81-308 MLS, United States District Court, Eastern District of California, 27 May 1981. See also *US v. Bolschwing*, Notice of Taking Deposition, 5 June 1981, both documents in OGC Records, Job [ ] Box 2, Folder 25, CIA ARC. OSI apparently dropped the charge of willful misrepresentation but retained the immoral conduct charge. See [ ] *United States v. Otto Albrecht von Bolschwing*, 29 May 1981, in DO Records, Job [ ] Box 1, Folder 6, CIA ARC. (C)

<sup>81</sup> Ryan to [ ] 1 June 1981, OGC 81-05212, enclosing "Alleged Nazi Denies Federal Charge, Says He Spied for US," *San Francisco Chronicle*, [c. May 1981], in OGC Records, Job

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Like many of OSI's cases, the Bolschwing suit presented numerous legal complications. Bolschwing's attorneys and his son requested security clearances to speak with him about his relationship with the CIA during the postwar years. Likewise, the defense wanted access to all government records pertaining to Bolschwing, which delayed the case because neither OSI nor CIA were prepared to comply. OSI insisted that Bolschwing could mount a defense using only those government records relevant to the court case. This prompted Bolschwing's attorney, Arthur J. Ruthenbeck, to tell the media in September 1981 that "my hands have been tied . . . . I'm just trying to get authorization for my client to talk with me." He added, "we're in a real Catch-22 situation. One arm of the government prosecutes the case and another says you can't talk to your client."<sup>82</sup> (U)

☐ ☐ of the Office of General Counsel saw this situation in a different light. She told Ruthenbeck "Your hypothetical inability to represent your client based upon your perception of unknown contractual limitations similarly suggests a desire to infuse this litigation with premature issues."<sup>83</sup> Bolschwing, according to both OSI and CIA, was free to discuss all issues with his attorney although the Department of Justice stipulated that classified material could not be discussed outside of the courtroom. (U)

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☐ ☐ Box 2, Folder 25, CIA ARC. Bolschwing repeated this assertion in the *New York Times*. See "Man, 71, is Ordered to Reply to Charge of Serving the Nazis," *New York Times*, 29 July 1981, p. A13. CIA denied that Bolschwing had any connection with Donovan or the OSS. See ☐ ☐ to Ryan, 18 August 1981, OGC 81-07107, in OGC Records, Job ☐ ☐ Box 1, Folder 4, CIA ARC. (U)

<sup>82</sup>S. Lynne Walker, "Accused Nazi's Defense Hampered by CIA Order Not to Talk, Attorney Says," *Sacramento Union*, 10 September 1981. See also Ruthenbeck to Smith, 10 September 1981, in OGC Records, Job ☐ ☐ Box 2, Folder 25, CIA ARC. (U)



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In the meantime, Bolschwing's health continued to deteriorate. At the behest of OSI [ ] prepared a classified affidavit to support the Government's motion for a protective order. [ ] the DO's Information Review Officer (IRO), cited the need to protect critical national security information from unauthorized disclosure as well as to protect confidential sources. The IRO commented that the "DO files concerning Von Bolschwing contain extensive information on intelligence methodology in use by CIA." The Agency [ ] asserted, "cannot, on the public record in this litigation, acknowledge the existence of such information without jeopardizing the sanctity of classified information."<sup>84</sup> (S)

**Case Closed (U)**

CIA's efforts turned out to be unnecessary. In late 1981, Allan A. Ryan, Jr., OSI's director, announced that Otto Albrecht Alfred von Bolschwing had voluntarily surrendered his American citizenship after admitting his membership in various Nazi organizations. Ryan agreed that the aging Bolschwing, diagnosed with a "progressive neurological condition," could remain in the United States until his health improved enough to permit deportation. He also noted that the consent decision, offered by Bolschwing's defense, "was made by this Office in consultation with higher authorities in

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<sup>83</sup> [ ] to Ruthenbeck, 21 September 1981, OGC 81-08314, in OGC Records, Job [ ] Box 2, Folder 25, CIA ARC. (U)

<sup>84</sup> See [ ] to Neil Sher, Deputy Director, OSI, 6 November 1981, enclosing [ ] Affidavit, *US v. Bolschwing*, (S), in OGC Records, Job [ ] Box 2, Folder 25, CIA ARC. (S)


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the Department of Justice and was not reviewed by, or submitted for the approval of, any other government agency.”<sup>85</sup> The Bolschwing case ended in March 1982 when Bolschwing died at the age of 72 of progressive supranuclear palsy.<sup>86</sup> (U)

By the end of 1981, the Central Intelligence Agency had worked with the Department of Justice in three major Nazi war criminal investigations: Tscherim Soobzokov, Edgars Laipenieks, and Otto Albrecht Alfred von Bolschwing. The Agency also enabled OSI to complete name trace requests on hundreds of immigrants in the United States. The Directorate of Operations, the Office of Security, and the Office of General Counsel spearheaded CIA's efforts with OSI. The Agency struggled to protect national security interests while meeting its legal obligations to support OSI. Despite some rough spots, the partnership was successful as the Agency and OSI learned how to cooperate. The nature of the Nazi war criminal investigations grew even more controversial during the 1980s. (U)

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<sup>85</sup>See “Statement of Allan A. Ryan, Jr., Director, Office of Special Investigations,” with annotated comments, in OGC Records, Job  Box 2, Folder 25, CIA ARC. (U)

<sup>86</sup>“Otto von Bolschwing; Ex-Captain in Nazi SS,” *New York Times*, 10 March 1982, p. B-5. (U)

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### Chapter Three

#### In the Shadow of the Cold War (U)

DECLASSIFIED AND RELEASED BY  
CENTRAL INTELLIGENCE AGENCY  
SOURCES METHODS EXEMPTION 3B2B  
NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2004 2006

The Nazi war criminal investigations labored under the shadow of the Cold War. When the Office of Special Investigations reached an agreement with Soviet authorities in 1980 to interview witnesses and collect evidence behind the Iron Curtain, doubts arose concerning the motives behind Soviet cooperation.<sup>1</sup> Many ethnic groups, especially those from the Baltic States and other Eastern European countries, blasted OSI as a tool for Soviet KGB disinformation activities to discredit anticommunists living in the United States by affixing the "fascist" label on groups that resisted Moscow's oppressive rule. They directed vehement protests against Allan A. Ryan, Jr., OSI's director, for his work in fostering cooperation with the Soviet regime and his description of the Ukrainian role during World War II in his 1984 book, *Quiet Neighbors*.<sup>2</sup> (U)

During the 1970s and the 1980s, the Central Intelligence Agency grew increasingly aware of the importance that Soviet intelligence placed on "active measures." The KGB, in fact, had a branch in the First Chief Directorate dedicated to employing front groups, media manipulation, disinformation, forgeries, and agents of

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<sup>1</sup>For a discussion of OSI's agreement with the Soviets, see Ryan, *Quiet Neighbors*, pp. 65-93. (U)

<sup>2</sup>Examples of emigre writings against OSI are seen in National Confederation of American Ethnic Groups, Inc., *Victory Without Fear: A Response to OSI's "Nazi Hunting" Experiment* (Irvington, N.J.: n.p., 1985), and various articles in Boshyk, ed., *Ukraine during World War II*. (U)

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influence to promote Soviet foreign policy goals. The Soviets also sought to discredit the American government in the eyes of world opinion and to undercut international support of the United States. As a result, the Nazi war criminal investigations became drawn into the larger arena of US-USSR competition.<sup>3</sup> (U)

### **Konstantin Hanff (U)**

Even before the establishment of the Office of Special Investigations in 1979, the Central Intelligence Agency questioned the relationship between the Nazi war criminal investigations and the disinformation activities of the Warsaw Pact intelligence services. One case, that of Konstantin Hanff (also known as Konstanty Zygfryd Hanff), threatened to embroil the United States and Poland in a diplomatic squabble. Hanff, of mixed Polish-German background, was born in the Polish village of Czestochowa in 1926 and immigrated to the United States in 1969. According to later statements to the FBI, Hanff lived in Poland until the outbreak of the war, when he moved to Lithuania. He then worked in Warsaw and Berlin and served in the German Army on the Eastern Front.

Hanff deserted in 1944 but was arrested and sentenced to two years imprisonment. The Germans soon placed Hanff in a special rehabilitation unit and returned him to frontline

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<sup>3</sup>The CIA exposed the KGB's efforts in Congressional hearings while the State Department also publicized examples of deliberate disinformation attempts. See US Congress, House. Permanent Select Committee on Intelligence. *Soviet Active Measures*: 97th Cong., 2nd sess., 13-14 July 1982, and various special reports, foreign affairs notes, and bulletins issued by the Department of State. For a discussion of Soviet targeting against emigre groups, see Herbert Romerstein and Stanislav Levchenko, *The KGB Against the "Main Enemy: " How the Soviet Intelligence Service Operates Against the United States* (Lexington: DC Heath and Company, 1989), pp. 308-318. (U)

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duty. In the spring of 1945, he fell into Soviet hands and, thereafter, he assisted the Russians in spreading anti-German propaganda. The NKVD later apprehended Hanff for anticommunist sentiments and held him until his return to Poland in early 1948. Following his release, Hanff worked throughout Eastern Europe in numerous private and governmental bodies, primarily in the import-export business. In mid-1969, at the age of 43, Hanff, his wife, and one son obtained immigrant visas and moved to the United States, where they took up residence in New York City.<sup>4</sup> (S)

### A Threat to US-Polish Relations (U)

While holding an assortment of jobs, Hanff, a translator, had other goals in mind. In September 1975, he published his first issue of *Wolna Polska*, or "Free Poland," the voice of an anticommunist group, "Combat Organization Free Poland."<sup>5</sup> In this paper, Hanff listed the names of alleged Polish, Czech, and Soviet intelligence officers stationed in the United States under diplomatic cover. In addition, Hanff tried to influence various Warsaw Pact officials to defect. These activities incensed the Polish Government to the point that the Foreign Minister complained to the American ambassador in March 1976.

The State Department noted that "the message was clear to the Ambassador that retaliation of some kind is possible unless Poles are convinced soon that Department

<sup>4</sup>Hanff's brief autobiographical statement is found in various excerpts of FBI reports in OGC Records, Job [ ] Box 1, Folder 13, CIA ARC. Hanff's CIA personality file is quite extensive. For further details, see Konstanty Zygfryd Hanff, File [ ] DO Records. (S)

<sup>5</sup>For a chronology of the Hanff case, see [ ] Office of Technical Service to [ ] OGC, "Technical Assistance for US Attorney's Office, New York," 7 April 1978, QDL 51-78, (S), in OGC Records, Job [ ] Box 1, Folder 13, CIA ARC. (S)

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

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takes their concern seriously and that everything possible will be done to meet their demands." By June of that year, the Hanff affair threatened to upset the American secretary of state's visit to Poland. (S)

The Poles had, in fact, already checked Hanff's financial support among the Polish emigre communities in both New York and Chicago. At the same time, the first indications of Polish disinformation efforts appeared in the United States. In early April 1976, the Zionist Organization of America received an anonymous letter that claimed that Hanff had served as a Nazi informer in 1941 and, later, had participated in war crimes in eastern Poland. While Hanff denied these allegations to the FBI, he did not curtail his anticommunist activities. On the contrary, he continued his work and even registered as an American agent of the Polish Government-in-Exile in London in the summer of 1976. This act once again led the Polish Government to protest Hanff's presence in the United States and increased Polish suspicions that Hanff worked for American intelligence.<sup>6</sup> (S)

Hanff's publications and his own suspected forgeries raised concern within the State Department, the FBI, and the CIA. The Poles took Hanff's threats seriously and began to retaliate in kind by spreading doctored copies of a "Free Poland Special Report

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<sup>6</sup>William H. Webster, the FBI director, asked the Director of Central Intelligence in early 1979 if "Hanff was ever employed or had his activities directed by the Central Intelligence Agency." The Agency replied that "an intensive search of the files and indices . . . reveals no evidence of any contact or association between Subject and this Agency." See Webster to DCI, "Unknown Subjects; Mailing of Forged Letters on Polish Consul General Stationery in New York City; Protection of Foreign Officials-Harassment-Subversive," 1 February 1979, in DO Records, Job   Box 1, Folder 1, CIA ARC. The Agency's reply is found in DDO to Director, FBI, "Unknown Subjects; Mailing of Forged Letters on Polish Consul General Stationery in New York City; Protection of Foreign Officials-Harassment-Subversives," [undated], (S), in OGC Records, Job   Box 1, Folder 6, CIA ARC. (S)

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Nr 3," which published a "black list of dangerous CIA and FBI agents." Consequently, in the spring of 1977, the State Department asked the Justice Department to examine Hanff's wartime activities and ascertain the validity of war crimes allegations. The US District Attorney's Office in New York had already located several witnesses in Israel who claimed that Hanff had helped select Jews for extermination camps. The FBI also had an informant who said that he had seen a photograph of Hanff in an SS uniform. (S)

**CIA's Technical Assistance (U)**

In early 1978, [ ] the chief of CIA's Questioned Documents Laboratory in the Office of Technical Service, became involved in the Hanff case after he received a call from the US District Attorney's Office in New York.<sup>7</sup> In a meeting with Harry Batchelder, Jr., the assistant US attorney, [ ] reviewed the 1976 letter to the Zionist Organization of America and its three photocopies of German wartime documents, which had implicated Hanff. Batchelder wanted [ ] to determine if the documents were accurate or if they were Soviet/Polish forgeries implicating Hanff with war crimes. After receiving permission from the Office of General Counsel, [ ]

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<sup>7</sup>Born in 1928 [ ] had served with the Counter Intelligence Corps in Austria in the early 1950s. He later worked with the US Post Office as a document technologist when he transferred to the CIA. He received his Ph.D. in 1969 from Stanford University and retired from the Agency in 1982. [ ] remains active in his profession and served as the president of the American Society of Document Examiners and the American Academy of Forensic Sciences. See Personnel file, [ ] OP Records, Job [ ] Box 13, Folder 4, CIA ARC. See also Interview with [ ] by [ ] 16 July 2001, transcript and tape in Oral History project, CIA History Staff. (S)

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agreed to undertake a technical examination pending further approval for any expert testimony in court. (S)

After performing his examination of the three photocopied documents, [ ] concluded in April 1978 that Hanff was a victim of a disinformation effort on the part of the Polish intelligence service. He recommended that CIA have no further involvement with this case "unless there could be a definite showing that Hanff was the proper subject of Agency interest." [ ] assessment, confirmed by the Office of General Counsel later that spring, reinforced the Agency's belief that Hanff "seems to be a political entrepreneur involved in imaginative intelligence intrigues."<sup>8</sup> (S)

Despite [ ] technical advice about the German documents, the US District Attorney's Office and later the Office of Special Investigations insisted on pursuing the Hanff case, especially after he petitioned for naturalization. In the spring of 1978, the Justice Department asked the CIA to interview [ ]

[ ]<sup>9</sup> [ ] lived in New York and had worked with Hanff to publish the names of Polish intelligence officers. [ ] of OGC and [ ] of the DO interviewed [ ] in mid-April 1978 in order to determine the extent of his involvement with Hanff. [ ] acknowledged that he had assisted Hanff, whom he described as a

<sup>8</sup> [ ] Director, OTS to [ ] OGC, "Assistance to US Attorney, New York, by [ ]" 11 April 1978, OGC 78-2349, (S), in OGC Records, Job [ ] Box 1, Folder 13, CIA ARC. (S)

<sup>9</sup> Philip Wilens, Chief, Government Regulations and Labor Section, Criminal Division, Department of Justice to [ ] OGC, "Konstanty Hanff," 14 April 1978, OGC 78-2417, (C), in OGC Records, Job [ ] Box 1, Folder 17, CIA ARC. (C)

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"survival artist," and that he had seen wartime photographs of Hanff in a German uniform. [ ] agreed that the timing of the allegations about Hanff's wartime service "could not be dismissed as accidental." Based on this interview [ ] and [ ] felt that [ ] should speak directly with the US attorney's office in New York.<sup>10</sup> (S)

The New York district attorney's office determined in mid-1979 that it lacked sufficient evidence to proceed in prosecuting Hanff.<sup>11</sup> In August 1980 [ ] in OGC provided OSI and the US Attorney's office of the Southern District of New York with a list of third-agency material in CIA's files pertaining to Hanff.<sup>12</sup> Later in 1981, the CIA's [ ] met with Hanff as a possible source of current information on Polish political developments.<sup>13</sup> Interestingly, a defector told the CIA in 1990 that Hanff was the target of a disinformation campaign by the Polish Ministry of Interior. Aleksandr Makowski, a press counselor and the Ministry of Interior resident, was credited as planning the attacks against Hanff. Makowski served in New York at the United

<sup>10</sup> [ ] Memorandum for the Record, "Denaturalization Proceedings against Konstanty Hanff," 9 May 1978, OGC 78-3017, (C); see also [ ] Memorandum for the Record, "Denaturalization Proceedings against Constanty Hanff," 18 April 1978, OGC 78-2470, (S), both in OGC Records, Job [ ] Box 1, Folder 17, CIA ARC. (S)

<sup>11</sup> [ ] Memorandum for the Record, "Konstantin Hanff and Tscherim Soobzokov," 3 July 1979, OGC 79-06165, (S), and [ ] OGC to [ ] "Konstantin Hanff and Tscherim Soobzokov," 3 August 1979, OGC 79-07123, (C), both in OGC Records, Job [ ] Box 1, Folder 13, CIA ARC. (S)

<sup>12</sup> [ ] to Ryan and Thomas Belote, Assistant US Attorney, Southern District of New York, 25 August 1980, in Hanff, File [ ] DO Records. (U)

<sup>13</sup> [ ] to Director, "Operational Lead (Poland)," 6 April 1981, [ ] 39600, IN 6181194, (S), in Hanff, File [ ] DO Records. (S)

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Nations from 1976 to 1981, during the height of the Hanff investigations.<sup>14</sup> This case highlights the complicated dimensions of the Nazi war criminal investigations and the difficulties that Federal investigators and agencies faced in bringing war criminals to justice. (S)

### Defectors as Experts on Disinformation (U)

Concerns about Soviet disinformation activities and the reliability of witnesses and evidence from the USSR increased as the Office of Special Investigations expanded its caseload. The CIA's sources of information about life behind the Iron Curtain became increasingly important in cases dealing with former residents of Eastern Europe. Both Justice Department prosecutors and defense attorneys wanted to question defectors from various Warsaw Pact regimes who possessed insights about Soviet operations against various emigre groups in America. (U)

□ who provided information in 1978 about Konstantin Hanff, is the first known defector to participate in the Nazi war criminal investigations in the United States. Several years later, Imants Lesinskis, a Latvian-born defector from the KGB, submitted depositions in the cases of Vilis Haznērs, Karl Linnas, and Liudas Kaiys. Lesinskis bolstered defense attempts to allege that the Soviets wanted to smear anticommunist groups as pro-Nazi organizations. The Central Intelligence Agency, □

<sup>14</sup>Counterintelligence Information Report, "MSW Covert Action Operation Against Polish Emigre Journalist (fnu) Hanff," 22 March 1990, SBCI-6504, (S), in Hanff, File □

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☐ ☐, coordinated interviews with Lesinskis. ☐

☐ 15 (S)

As early as the fall of 1978, Ivars Berzins, a lawyer active in the Latvian-American community, learned about Lesinskis and sought his testimony in the case of Vilis Hazners. The Immigration and Naturalization Service had filed charges in 1977 against Hazners for his service in a Latvian police unit. Lesinskis claimed personal knowledge of the KGB's efforts to frame Hazners. To accommodate Berzins's request, Martin Mendelsohn of the Special Litigation Unit and ☐ of the Office of General Counsel arranged for both the defense and prosecution to interview the KGB defector.<sup>16</sup> (C)

Three years later, Berzins again wanted to interview Lesinskis about his knowledge of Soviet disinformation campaigns directed against immigrants in the United States in the case of Karl Linnas.<sup>17</sup> The Justice Department had accused Linnas, an Estonian, of running a concentration camp and murdering inmates. The court supported Berzins's new request, and ☐ in the Office of General Counsel arranged

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DO Records. (S)

<sup>15</sup>Various memoranda concerning ☐ ☐ Lesinskis are found in OGC Records, Job ☐ ☐, Box 1, Folder 18, CIA ARC. (S)

<sup>16</sup>According to the signed memorandum of agreement, the three attorneys "agree that Mr. Leshinskiy's [sic] appearance in open court, or exposure to the public or the public media, would be unnecessary and possibly hazardous." Berzins, ☐ and Mendelsohn, "Memorandum of Agreement," 18 October 1978, (C), in OGC Records, Job ☐ ☐, Box 1, Folder 18, CIA ARC. (C)





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




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with CIA's Domestic Collection Division for a meeting at the Federal courthouse in St. Louis in early June 1981. Berzins had Lesinskis provide a sworn deposition in which he outlined his work with the KGB in discrediting Latvian emigre organizations.<sup>18</sup> (S)



David E. Springer, attorney for Liudas Kairys, filed a subpoena for all documents pertaining to his client, including evidence of Soviet disinformation activities and the alteration of fingerprint files.<sup>19</sup> Springer's request led eventually to a deposition of Imants Lesinskis in April 1982 to discuss his role with the Latvian Society for Cultural Relations of Foreign Countries. Lesinskis highlighted for Springer the KGB's efforts to discredit Latvians who opposed the Soviet regime. Although Kairys was actually Lithuanian, Lesinskis offered his opinion that Soviet deception methods were similar throughout the Baltic States. The Soviets, he claimed, wanted to undermine support for the various nationalist movements by tainting all anticommunists as fascist supporters or

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<sup>17</sup>   Memorandum for the File, "OSI/DOJ Request for Briefing re: Imants Leshinskis," 30 March 1981, OGC 81-05153, OGC Records, Job   Box 1, Folder 18, CIA ARC. (U)

<sup>18</sup> *US v. Karl Linas*, "Deposition of Imants Lesinskis," 3 June 1981, OGC Records, Job   Box 1, Folder 18, CIA ARC. See also   IMS/FPLG, Memorandum for the Record, "Meeting in St. Louis, Missouri to Interview and Depose Defector Imants Lesinskis," 8 June 1981, (S), in DO Records, Job   Box 1, Folder 6, CIA ARC. Prior to the deposition, CIA and OSI debriefed Lesinskis in St. Louis in April 1981. See 

 Chief, IMS/FPLG, "Meeting with Imants Lesinskis," 24 April 1981, (S), in DO Records, Job   Box 1, Folder 6, CIA ARC. (S)

<sup>19</sup> *US v. Liudas Kairys*, "Deposition Subpoena to Testify or Produce Documents or Things," Civil Action File No. 80 C 4302, 6 May 1981, OGC 81-03777, in OGC Records, Job   Box 1, Folder 7, CIA ARC. (U)

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war criminals. "I would not attribute any validity at all to any Soviet documents or Soviet witness testimony," Lesinskis declared.<sup>20</sup> (U)

Lesinskis's depositions did have some influence on the outcome of the Hazners case, which the Board of Immigration Appeals dismissed for lack of evidence in 1981. In the case of Linnas, the court revoked his citizenship and ordered his deportation in 1984. Allan A. Ryan, Jr., the director of OSI, fiercely denied that American judicial proceedings were corrupted in any manner by the use of Soviet evidence or witnesses. "The Soviets have never attempted to tell OSI who to investigate. They do not send us unsolicited information; they respond to our inquiries," Ryan asserted in his 1984 book. (U)

### Valerian Trifa (U)

The depositions of Imants Lesinskis were conducted in relative isolation without public intrusion. Both the Central Intelligence Agency and Lesinskis himself desired this in order to protect his safety. In the case of Orthodox Archbishop Valerian Trifa, who had been a leader in the Romanian Iron Guard during the war, the presence of a Romanian defector became a major issue between the Archbishop's defense attorney and the Federal government. John J. Sibisan, Trifa's lawyer, raised the matter with President Ronald Reagan in the fall of 1982, protesting that Ion Pacepa, a former general and deputy head of the Romanian intelligence service, had admitted to Sibisan that Pacepa's

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<sup>20</sup>US v. *Liudas Kairys*, "Deposition of Imants Lesinskis," 9 April 1982, in OGC Records, Job  Box 1, Folder 7, CIA ARC. (U)

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information had been withheld by OSI in a "smear campaign against the religious leader of 100,000 Orthodox people of Romanian descent in this country."<sup>21</sup> (U)

Sibisan's letter naturally unleashed a flurry of activity in the White House, the Office of Special Investigations, and the Central Intelligence Agency. The Agency and OSI, in fact, had interviewed two Romanian defectors, Ion Pacepa and Nicholae Horodincu, about their knowledge of alleged efforts by the Romanian Government to falsify evidence concerning Trifa.<sup>22</sup> Because the US Government had not yet publicly acknowledged that it had given sanctuary to the Romanians, the CIA preferred to integrate OSI's questions during the Agency's routine debriefings of both men. As a result, OSI did not initially conduct a personal interview, although [redacted] of OGC offered this alternative if the debriefings provided any particular details. As a result of the Agency's interrogations, [redacted] reported that both men considered Trifa to be a war criminal, but that they also believed that the Romanian regime had taken steps to fabricate evidence to be used against him in American courts. [redacted] told OSI that both men were willing to speak with the Justice Department and to examine documents in an attempt to

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<sup>21</sup>Sibisan to President Reagan, "Archbishop Valerian D. Trifa," 14 October 1982, 107625, in OGC Records, Job [redacted] Box 2, Folder 30, CIA ARC. Pacepa, a lieutenant general and head of Romania's Department of Foreign Information (DIE), later wrote a book, *Red Horizons*, in 1987. For further information about Pacepa's postdefection activities, see Alison Mutler, "Romanian Court Acquits Former Spy Chief; Ruling Viewed as Attempt to Impress NATO," *Washington Times*, 8 June 1999, op.A15. (U)

<sup>22</sup>The following documents contain material pertinent to the debriefings: [redacted] Memorandum for the Record, "Request to Interview Romanian Defectors by Office of Special Investigations, DOJ," 16 June 1980, OGC 80-05083, (S); Charles B. Renfrew, Deputy Attorney General to Frank Carlucci, DDCI, 2 July 1980, OGC 80-06031, (S); [redacted] to Ryan, 15 July 1980; [redacted] to Ryan, 24 July 1980, OGC 80-06378, (S); and Ryan to [redacted] 1 August 1980, (S), all documents in OGC Records, Job [redacted] Box 2, Folder 30, CIA ARC. (S)

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identify the doctored evidence.<sup>23</sup> OSI's interest in the Romanian defector diminished following Trifa's "voluntary" surrender of his citizenship and his subsequent appeal.<sup>24</sup> This move delayed the case for nearly two years. (U)

In preparing a response to Sibisan's charges, OSI's Richard Sullivan consulted with [ ] of the Agency's Office of General Counsel [ ] in turn, received guidance from the Directorate of Operations, which had debriefed Pacepa two years earlier using [ ] information. D. Lowell Jensen, Assistant US Attorney General in charge of the Criminal Division, told Trifa's attorney in December 1982 that "your statement that Department of Justice attorneys withheld information favorable to Archbishop Trifa is flatly untrue." Jensen then informed Sibisan of the circumstances surrounding the interviews. "When Department of Justice attorneys became aware in 1980 that a Romanian defector purported to have information on an alleged campaign to discredit Trifa through false evidence, steps were immediately taken to ascertain the truth of the matter. These steps," Jensen said, "revealed that the defector had no reliable information concerning Archbishop Trifa or any alleged attempts by any person or government to use falsified evidence against him."<sup>25</sup> (U)

<sup>23</sup> [ ] to [ ] "Defector Interviews in *US v. Trifa*," [undated], in OGC Records, Job [ ] Box 2, Folder 30, CIA ARC. (U)

<sup>24</sup> [ ] to [ ] "Nazi War Criminal Investigations-Valerian Trifa," 3 September 1980, OGC 80-07551, in OGC Records, Job [ ] Box 2, Folder 30, CIA ARC. (U)

<sup>25</sup> A draft copy of this letter, Jensen to Sibisan, [undated], appears in OGC Records, Job [ ] Box 2, Folder 30, CIA ARC. For the circumstances surrounding CIA's approval in the wording, see [ ] Memorandum for the Record, "Nazi War Criminal Prosecutions-Valerian Trifa," 17 December 1982, OGC 82-11182, in the same job as above. (U)

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### OSI's Range of Interests in the CIA (U)

As OSI's caseload expanded in the early 1980s, the Department of Justice and various defense attorneys expressed interest in interviewing current and former Agency employees, who either possessed special knowledge about postwar Europe or about specific individuals. As seen in the Bolschwing and Soobzokov investigations, CIA case officers could answer key questions and resolve missing gaps in the records.

Unfortunately, Bolschwing's primary case officer had died before the investigation commenced, while Soobzokov's CIA contact failed to provide insights into the origins of the State Department documents in the Agency's files. In other cases, such as the Hanff investigation, [ ] a current employee, assisted Federal authorities with his expert knowledge of Soviet disinformation practices. (S)

While the CIA preferred to remain in the background of the Nazi war criminal investigations, there were moments when Agency officials stepped into the limelight. In February 1979, the CIA transferred to the National Archives a series of aerial photographs taken of the Nazi death camp at Auschwitz-Birkenau by Allied reconnaissance aircraft in 1944 and 1945. At a press conference, two analysts from CIA's National Photographic Interpretation Center described what they had learned from the photographs, which had been stored in a Federal archival facility since the end of World War II. Viewed in the light of hindsight, the photographs revealed activities on the ground at Auschwitz-Birkenau, including concentration camp inmates standing in line for

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the gas chambers.<sup>26</sup> Dino A. Brugioni and Robert G. Poirier prepared a study, "The Holocaust Revisited," which President Jimmy Carter presented to Elie Wiesel, a prominent survivor of the Nazi death camps. CIA's Brugioni hailed wartime overhead imagery as "an untapped source of history."<sup>27</sup> (U)

The Office of Special Investigations occasionally interviewed CIA officials as a part of a formal investigation. Allan A. Ryan, while leading the Klaus Barbie investigation in 1983, requested traces on several retired Agency employees in order to arrange for interviews.<sup>28</sup> As a part of the initial stage of the Trifa investigation, which broadened into the Bolschwing case, the Special Litigation Unit contacted the CIA in the summer of 1978 for information pertaining to [redacted] [redacted] INS investigators suspected that [redacted] [redacted] had "a strong influence" on Trifa's entry into the United

<sup>26</sup>Quotation appears in Thomas O'Toole, "'44 Photos Showed Auschwitz Camp," *Washington Post*, 23 February 1979, pp. A-1 and A-26. For other press coverage, see "Photos of Auschwitz Extermination Unit Produced," *New York Times*, 24 February 1979, p. A-2; Daniel F. Gilmore, "View of a Death Camp-35 Years Later," *Boston Sunday Globe*, 25 February 1979, pp. 29-30; and Lora Sharpe, "City Man Helped Interpret Auschwitz Photo," *New Bedford (Massachusetts) Standard Time*, 4 March 1979. (U)

<sup>27</sup>The article, "The Holocaust Revisited: A Retrospective Analysis of the Auschwitz-Birkenau Extermination Complex," by Dino A. Brugioni and Robert G. Poirier appeared in *Studies in Intelligence*, 22 (Winter 1978), pp. 11-29. OSI continued to express interest in CIA's capability to interpret aerial photographs. In 1981, Neal Sher, OSI's acting director, asked that Poirier analyze a massacre site in the Soviet Union and provide some technical assistance in the prosecution's case against Albert Deutscher. The Department of Justice also considered having Poirier testify in the trial of Hans Lipschis in 1982 concerning his concentration camp guard duties. See Neal M. Sher, OSI, to [redacted] [redacted] OGC, 23 June 1981, OGC 81-05356, and Sher, OSI, to [redacted] [redacted] OGC, 22 December 1981, OGC 81-10990, both in OGC Records, Job [redacted] [redacted] Box 2, Folder 31, CIA ARC. See also various memoranda concerning Lipschis case in OGC Records, Job [redacted] [redacted] Box 1, Folder 3, CIA ARC. (S)

<sup>28</sup>Ryan to [redacted] [redacted] OGC, 6 May 1983, OGC 83-03816, (S), in DO Records, Job [redacted] [redacted] Box 12, Folder 128, CIA ARC. CIA name traces to OSI's requests are also included in this folder. (S)

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<sup>26</sup>Quotation appears in Thomas O'Toole, "'44 Photos Showed Auschwitz Camp," *Washington Post*, 23 February 1979, pp. A-1 and A-26. For other press coverage, see "Photos of Auschwitz Extermination Unit Produced," *New York Times*, 24 February 1979, p. A-2; Daniel F. Gilmore, "View of a Death Camp-35 Years Later," *Boston Sunday Globe*, 25 February 1979, pp. 29-30; and Lora Sharpe, "City Man Helped Interpret Auschwitz Photo," *New Bedford (Massachusetts) Standard Time*, 4 March 1979. (U)

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<sup>28</sup>Ryan to [redacted] OGC, 6 May 1983, OGC 83-03816, (S), in DO Records, Job [redacted] [redacted] Box 12, Folder 128, CIA ARC. CIA name traces to OSI's requests are also included in this folder. (S)

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States and his rapid rise within the ecclesiastical ranks of the Romanian Orthodox Church.<sup>29</sup> (U)

Pash, whose father served as the Metropolitan of the Russian Orthodox Church in America during the 1940s, joined the Office of Policy Coordination as a military detailee in 1949. He served with OPC in the Far East, Washington, and in Austria until his return to the Army in 1952. Pash had a long record in intelligence activities, having commanded the Alsos Mission at the end of the war. As the Third Reich crumbled, Pash's Alsos task force located German scientists with knowledge about atomic research in order to keep them from passing the information to the Soviets. Pash continued his intelligence activities after leaving OPC and had a wide range of contacts. The Agency, however, could not determine whether Colonel Pash—whose name had been publicized in the course of the Church Committee hearings in 1975—had any official or unofficial relationship with Trifa.<sup>30</sup> (U)

The Office of Special Investigations grew interested in the Agency for other reasons. The fact that CIA had a number of employees who had initially served in the Army Counter Intelligence Corps in postwar Europe proved a valuable resource. In addition, many of the Agency's early employees had immigrated to the United States from Eastern and Southern Europe and possessed native fluency and familiarity with the

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<sup>29</sup>Eugene M. Thirolf, SLU to [redacted] OGC, "United States vs. Trifa 5-70924," 18 July 1978, CO 1421, OGC 78-4754, in OGC Records, Job [redacted] [redacted] Box 2, Folder 30, CIA ARC. (U)

<sup>30</sup> [redacted] Office of Legislative Counsel to [redacted] "Name Trace and Records

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countries behind the Iron Curtain. OSI focused most of its investigations on this region of the world because it had been the scene of many of the worst Nazi atrocities. Indeed, the United States had accepted hundreds of thousands of Europeans as displaced persons in late 1940s and the 1950s, unwittingly including some war criminals. (U)

### CIA's Crucial Role in the Investigations (U)

OSI drew on CIA's wealth of talent and resources.<sup>31</sup> By the early 1980s, the Office of Special Investigation and the Central Intelligence Agency operated a fairly smooth system of conducting name traces, which, for the most part, avoided controversy or public inquiry. While there were occasional delays due to communication problems between the two organizations, as well as other demands imposed upon CIA's records managers, it became apparent that the Agency played a key role in the Nazi war criminal investigations.<sup>32</sup> This relationship, due in large part to Allan Ryan's almost daily contact with CIA's Office of General Counsel, soon faced a severe test. John Loftus, an attorney on Ryan's staff, pursued his own conspiracy theories, which tested the CIA's patience.

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Search-Colonel Boris T. Pash," 12 September 1978, OLC 78-4034/1, (C), in OGC Records, Job [ ] Box 2, Folder 30, CIA ARC. For further information of his wartime activities, see Boris T. Pash, *The Alsos Mission* (New York: Award House, 1969). (C)

<sup>31</sup>It also appears that a member of the Special Litigation Unit cooperated with CIA in providing information about Soviet officials. See various memoranda in DO Records, Job [ ] Box 1, Folder 1, CIA ARC. (S)

<sup>32</sup>The Department of Justice complained about CIA's lengthy responses to its name trace requests in early 1982. See D. Lowell Jensen, Assistant Attorney General, Criminal Division, to [ ] OGC, 4 March 1982, OGC 82-02269; see also [ ] to Jensen, 15 March 1982; [ ] Jensen, 14 May 1982, OGC 82-04740; Jensen to [ ] 29 June 1982, OGC 82-06286; and [ ] to Jensen, 9 July 1982, all in OGC Records, Job [ ] Box 1, Folder 3, and Box 2, Folder 31, CIA ARC. (U)

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His subsequent claims on a national television program and the publication of his book brought renewed Congressional interest into the Agency's past. From 1981 to 1987, the Nazi war criminal investigations occupied a significant part of the Central Intelligence Agency's resources in a series of well-publicized cases. *The Belarus Secret* marked a new chapter in the Nazi war criminal investigations. (U)

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NAZI WAR CRIMES DISCLOSURE ACT  
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## Chapter Four

### Belorussians, *60 Minutes*, and the GAO's Second Investigation (U)

The news exploded in the national headlines in May 1982. A CBS *60 Minutes* television report appeared to offer conclusive evidence that the Central Intelligence Agency and other US Government agencies, including the Army, the State Department, and the FBI, had employed Nazi war criminals and brought them to the United States after the war. These same agencies, according to the broadcast, also covered up their role in dealing with Nazi war criminals during the General Accounting Office investigation from 1977 to 1978. The *60 Minutes* segment, "The Nazi Connection," aired on national television on 16 May 1982 and ignited a firestorm. (U)

In an effort to promote his book *The Belarus Secret*, former Office of Special Investigations member John Loftus appeared on *60 Minutes*, the respected CBS Television news series seen by millions of Americans every Sunday evening. In a ~~segment~~ broadcast on 16 May 1982, Loftus summarized his main theories. He claimed that "State Department intelligence" had smuggled Nazi war criminals and collaborators into the United States after World War II. Using the Belorussians as an example, he stated that the Office of Policy Coordination, under Frank Wisner and Allen Dulles, had

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directed the effort to form secret armies to fight communism behind the Iron Curtain.<sup>1</sup>

(U)

According to Loftus, the State Department, in conjunction with the US Army and the Displaced Persons Commission, participated in a smuggling operation between Europe and the United States. Many of the Belorussians, he said, settled in South River, New Jersey. Radio Free Europe and Radio Liberty in West Germany also sheltered pro-Nazi figures.<sup>2</sup> Loftus also charged the Army with trying to conceal its relationship with several Belorussians as late as the 1977-78 General Accounting Office investigation. *60 Minutes* interviewed a number of individuals, including John Tipton, GAO's leading investigator, who now expressed his belief that Federal agencies had lied to Congress during his recently completed investigation.<sup>3</sup> (U)

## The 60 Minutes Shock (U)

Loftus's charges created a public relations crisis for the Central Intelligence

Agency.<sup>4</sup> Congressional figures were shocked at the latest scandal involving the CIA and

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<sup>1</sup>Loftus placed OPC within State Department channels, as opposed to its actually being an element of the CIA. He also cited C.D. Jackson, Nelson Rockefeller, and Richard M. Nixon as knowledgeable participants in the use of Nazi war criminals. "Nazi Connection," produced by Ira Rosen and broadcast on CBS *60 Minutes* with Mike Wallace on 16 May 1982. (U)

<sup>2</sup>For a reaction to the charges made by Loftus against the radios, see Gene Sosin, *Sparks of Liberty: An Insider's Memoir of Radio Liberty* (University Park: The Pennsylvania State University Press, 1999), pp. 185-187. (U)

<sup>3</sup>"Nazi Connection," *60 Minutes*, 16 May 1982. (U)

<sup>4</sup>The *Washington Post* closely followed the *60 Minutes* story, see Dale Russakoff, "American Officials Accused of Aiding Nazi Collaborators," *Washington Post*, 17 May 1982, pp. A1 and A6; Thomas O'Toole and Morton Mintz, "US Probes Report Nazi Collaborators Were Helped to

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other Federal agencies. Rep. Barney Frank (D MA), who was interviewed on *60 Minutes*, wrote William J. Casey, the Director of Central Intelligence, on 14 May 1982 to request all Agency records pertaining to Nazi war criminals.<sup>5</sup> Other Congressmen took up the call to reopen the Nazi war crimes investigations. Rep. Peter W. Rodino, Jr., (D NJ) chairman of the House Judiciary Committee, requested that the General Accounting Office examine Loftus's claims that Federal agencies had withheld information from GAO investigators during 1977-78.<sup>6</sup> Sen. Daniel P. Moynihan (D NY) supported a similar move in the Senate.<sup>7</sup> (U)

The Federal agencies, tainted by the *60 Minutes* report, scrambled to determine the validity of Loftus's charges. Allen A. Ryan, Jr., director of the Office of Special Investigations, refused to answer questions related to the broadcast. He simply stated, "to the best of my knowledge, no files were withheld from us."<sup>8</sup> The State Department insisted that it had "cooperated fully" with both the GAO and OSI investigations but was

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Immigrate," *Washington Post*, 18 May 1982, p. A3; Thomas O'Toole, "Nazis Brought to US to Work against Soviets in Cold War," *Washington Post*, 20 May 1982, pp. A1 and A20; and Thomas O'Toole, "The Secret under the Little Cemetery," *Washington Post*, 23 May 1982, pp. A1 and A5. (U)

<sup>5</sup>Frank to Casey, 14 May 1982, in DO Records, Job ☐ Box 1, Folder 7, CIA ARC. See also Madelyn Miller, "Congressman Wants to Probe Report that US Recruited Nazis after War," *Philadelphia Inquirer*, 18 May 1982, p. 3A. (U)

<sup>6</sup>Thomas O'Toole, "Rodino Asks GAO to Reopen Probe on Nazis," *Washington Post*, 19 May 1982, p. A4; and Ralph Blumenthal, "Possible Cover-Up to Shield Nazis is Focus of Renewed US Inquiry," *New York Times*, 23 May 1982, p. 1. (U)

<sup>7</sup>"Moynihan Urges Probe of Postwar Nazi Asylum," *Washington Post*, 21 May 1982, p. A16. (U)

<sup>8</sup>Joan Vennoch, "Investigation of Pro-Nazis Defended," *Boston Globe*, 18 May 1982, p. 12. (U)

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reviewing files in response to the new allegations.<sup>9</sup> The Central Intelligence Agency took steps to provide information about its role in the Nazi war criminal investigations. On 18 May 1982, Agency officials from OGC and the DO briefed the counsel of the Senate Select Committee on Intelligence (SSCI).<sup>10</sup> (S)

Perhaps the most important measures that the Agency took involved the DCI's direct approach to Rep. Edward P. Boland, (D MA) chairman of the House Permanent Select Committee on Intelligence (HPSCI), Rep. Romano L. Mazzoli, (D KY) chairman of HPSCI's Subcommittee on Legislation, and Sen. Barry M. Goldwater, (R AZ) Boland's counterpart on the SSCI. Rather than wait for Congressional leaders to contact the Agency about the charges, Casey offered assurances that the Agency had "spent considerable time reviewing its files for information about former Nazis who entered the United States." The Director also forwarded a copy of a report prepared by [redacted] ]

[redacted] of OGC that summarized the Agency's role in the investigations.<sup>11</sup> (S)

According to [redacted] report, GAO and OSI had requested name traces on some 500-odd individuals over the past several years. Of these traces, the Agency reported that it had records on approximately 80 persons and contact with about half of that number.

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<sup>9</sup>United Press International, "State Scurries to Review Files in Wake of Nazi Cover Up Charges," *Washington Times*, 18 May 1982, p. 3A. See also Philip Taubman, "Agencies Deny Slowing an Inquiry on US Use of Nazi Collaborators," *New York Times*, 18 May 1982, p. A14.

(U)  
<sup>10</sup>[redacted] Deputy General Counsel, to Executive Director, "Allegations Concerning US Government Assistance in Immigration/Naturalization of Alleged Nazi War Criminals," 21 May 1982, OGC 82-05021, (S), in DO Records, Job [redacted] Box 1, Folder 7, CIA ARC. (S)

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The report briefly explained its ties to eight of those personalities, including Gustav Hilger, Otto von Bolschwing, and Belorussians Stanislau Stankevich and Nikola Abramtchik. It also described the administrative history of the Office of Policy Coordination and its relationship to the CIA.<sup>12</sup> (S)

### The GAO Reopens Its Investigation (U)

With pressure mounting from the public, media, and Congress to expand the Nazi war criminal investigations, representatives from Legislative Liaison Division, Public Affairs Office, Office of General Counsel, the Office of Security, and the Directorate of Operations met on 4 June 1982 to plan a collective response to Congressional inquiries. The group decided to pattern a new memorandum of agreement with Congress and the GAO after the 1978 example. At this point, the Agency did not know how any new investigations would differ from OSI's ongoing investigation.<sup>13</sup> (S)

Frank C. Conahan, director of International Division of the General Accounting Office, approached DCI Casey in late June with the GAO's plan to reopen its investigation.<sup>14</sup> John R. Tipton, one of the GAO's principal investigators during 1977-

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<sup>11</sup>Casey to Boland, 26 May 1982, Executive Registry 82-5044/2, (S), in DO Records, Job ☐ ☐ Box 1, Folder 7, CIA ARC. Letters and staff reports to Goldwater and Mazzoli are located in OGC Records, Job ☐ ☐ Box 1, Folder 3, CIA ARC. (S)

<sup>12</sup>Ibid. (S)

<sup>13</sup>☐ Memorandum for the Record, "Preparations for GAO/Congressional Investigation of Alleged Illegal Entry of Nazi War Criminals into the US," 8 June 1982, (S), in DO Records, Job ☐ ☐ Box 8, Folder 170, CIA ARC. (S)

<sup>14</sup>Conahan to Casey, 23 June 1982, in DO Records, Job ☐ ☐ Box 8, Folder 170, CIA ARC. (U)

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78, acted as Conahan's project manager. He sought all CIA and "third party" records dealing with Nazi war criminals and their employment by American intelligence. Tipton also wanted to review documents relating to the immigration of these suspects and any evidence that the CIA had failed to provide information during the first round of investigations.<sup>15</sup> Tipton told CIA officials that he wanted to avoid the problems that had resulted from the procedures employed by CIA during the first investigation. (U)

[ ] the chief of the FOIA, Privacy and Litigation Group, agreed to allow the GAO full access to all files and to place "third agency" material into separately marked envelopes for the investigators. [ ] concession marked an important change from the 1977-78 investigation, in which the CIA provided sanitized copies for the investigators. Under the new approach, the GAO could review all files directly, without intermediaries. The Agency, in particular the DO, took this measure to "lay this matter to rest for once and for all." By mid-September, the CIA and GAO agreed to the guidelines for the investigation.<sup>16</sup> (U)

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<sup>15</sup>Ibid. (U)

<sup>16</sup>[ ] Memorandum for the Record, "Meeting with GAO Staff Members Re Investigation," 8 July 1982, IMS/FPLG 82/136, (S); [ ] to [ ] Chief, OS/SAG, "DO Material to be Made Available to GAO Investigators," 16 July 1982, IMS/FPLG 82/146, (C); [ ] to [ ] OS Material to be Made Available to GAO Investigators," 29 July 1982, (C); and Memorandum of Understanding between the General Accounting Office and the Central Intelligence Agency, 13 September 1982, all in DO Records, Job [ ] [ ] Box 8, Folder 170, CIA ARC. The Agency held a meeting with its FBI counterparts who were "appalled" that the CIA would allow the GAO to have open access to its files. See [ ] Memorandum for the Record, "Meeting with FBI re Procedures for Providing Material to GAO Investigating Alleged Nazis in the United States," [undated, c. 27 July 1982], in DO Records, Job [ ] [ ] Box 8, Folder 170, CIA ARC. (S)

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The renewed interest in the Nazi war criminal subject also generated debate about the numbers of war criminals who entered the United States.<sup>17</sup> Loftus initially claimed that some 300 Belorussians arrived in America while others believed that US intelligence may have allowed up to 5,000 to enter the country. In any case, that remained just one of the questions that the GAO would grapple with over the next two and one-half years. The GAO investigation commenced on 9 September 1982 when Tipton returned the signed memorandum of agreement with a list of organizations and individuals for CIA to trace.<sup>18</sup>

(U)

### The Barbie Affair and Public Law 110 (U)

While the GAO investigators plowed through the CIA's records and those of other agencies, new complications arose. In February 1983, news accounts of Klaus Barbie's return to France from South America raised concerns that American intelligence had assisted his escape from Europe. Peter W. Rodino, the chairman of the House's Committee on the Judiciary, broadened the GAO investigation on 17 February to include

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<sup>17</sup>Thomas O'Toole, "America Long a Haven for Nazi Foes of Soviet," *Washington Post*, 9 July 1982, p. A3. (U)

<sup>18</sup>Tipton to [redacted] Office of External Affairs, 9 September 1982, in DO Records, Job [redacted] Box 8, Folder 170, CIA ARC. In addition to Tipton, the GAO also had several other investigators, Robert P. Glick, Anne W. Williams, David M. Broy, and Joseph P. Litzelman. On occasion, the GAO sent other staff members to CIA to review records. (U)

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a review of the Barbie case.<sup>19</sup> Rodino notified DCI Casey of this fact a week later and requested that the Agency provide the GAO with all files relating to Barbie.<sup>20</sup> (U)

Congress also took an interest in the Agency's special authorization to sponsor aliens for entry into the United States. As early as 1979, Congress had eyed Section 7 of Public Law 110, the CIA Act of 1949.<sup>21</sup> Skeptical of the Agency's use of Section 7, Rep. Elizabeth Holtzman sponsored H.R. 5087 to eliminate the Agency's provision on 2 August 1979. She feared that the Agency had used its special powers to bring Nazi war criminals into the country.<sup>22</sup> DCI Stansfield Turner told Rodino, "the Bill is objectionable because it would repeal a fundamental authority of the Director of Central Intelligence (DCI) which is critical to the fulfillment of the foreign intelligence mission of the Central Intelligence Agency." Holtzman's legislation threatened to eliminate the DCI's ability to sponsor aliens and defectors "in a time when human sources of

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<sup>19</sup>Rodino to Charles A. Bowsher, Comptroller General, General Accounting Office, 17 February 1983, in DO Records, Job ☐ ☐ Box 8, Folder 170, CIA ARC. (U)

<sup>20</sup>Rodino to Casey, 24 February 1983, ER 83-1109, in DO Records, Job ☐ ☐ Box 8, Folder 170, CIA ARC. The fact that Allan A. Ryan, Jr., directed the Department of Justice investigation of the Barbie case alleviated the GAO from actively pursuing this portion of its investigation. See correspondence between Ryan and Tipton, 24 March and 5 April 1983, and between Ryan and William J. Anderson, Director, General Government Division, GAO, 21 March 1983, all in the same job as above. (U)

<sup>21</sup>Joseph Volz, "CIA Hits Bid to End Spy Shuttle to US," *New York Daily News*, 1 November 1979, [no page listed]. (U)

<sup>22</sup>In late October 1979, John D. Morrison, the Agency's acting General Counsel, testified in open session before the Subcommittee on Immigration, Refugees, and International Law, about Section 7. Morrison had received guidance from ☐ ☐ on how to respond to questions concerning the Agency and Nazi war criminals. Morrison's testimony, his prepared remarks, ☐ ☐ questions and answers, and other material are found in DO Records, Job ☐ ☐ Box 8, Folder 156, CIA ARC. (U)

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intelligence are of critical importance to the national security of the United States."<sup>23</sup>

After lengthy discussions between Agency officials and Congresswoman Holtzman, she removed the portion of H.R. 5087 concerning Section 7, CIA Act of 1949, in the spring of 1980.<sup>24</sup> (S)

Following the *60 Minutes* revelations in 1982, the Senate Select Committee on Intelligence also looked into the issue of whether the CIA had abused Section 7. John Loftus had charged that the CIA continued to bring criminals to America, citing the recent admittance of Iranian officers from the Shah's SAVAK, or intelligence service. Loftus's claims spurred Congress to look at the "100 Persons Act" once again and, this time, the Senate sought a case-by-case review of all individuals admitted to the United States to determine their background.<sup>25</sup> (S)

<sup>23</sup>Letter to Radino, [no date listed but circa 30 October 1979], in DO Records, Job [ ] Box 8, Folder 156. (U)

<sup>24</sup>Various briefing material, including a chart [ ]

[ ] Public Law 110, is found in DO Records, Job [ ] Box 8, Folder 156, CIA ARC. See also [ ] Assistant Legislative Counsel to Frederick P. Hitz, Legislative Counsel, "H.R. 5087, the 'Immigration and Nationality Act Amendments of 1979,'" 6 March 1980, OLC 80-0226, in DO Records, Job [ ] Box 8, Folder 156, CIA ARC. (S)

<sup>25</sup>Congressional interest in 1982-83 in Public Law 110 is found in DO Records, Job [ ] Box 8, Folder 160, CIA ARC. Included is [ ] P.L. 110 [ ] See also [ ] Deputy Director, Office of Legislative Liaison to Peter Sullivan, Minority Counsel, Senate Select Committee on Intelligence, "CIA Use of Section 7 of the CIA Act of 1949, as Amended," 7 October 1983, OLL 83-2477, (S), in DO Records, Job [ ] Box 1, Folder 1, CIA ARC. (S)

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## The 1985 GAO Report (U)

In May 1985, over two years after it started its second investigation, the General Accounting Office submitted its draft report to the CIA for a security review. The 40-page report, *Nazis and Axis Collaborators Were Used to Further US Anti-Communist Objectives in Europe—Some Immigrated to the United States*, was released to the public. The GAO report examined the various American intelligence agencies that operated in Europe after the war, including the CIC and OPC, and the poor state of American intelligence on the USSR at the beginning of the Cold War. The report noted that US intelligence officers had sought intelligence from all quarters and quoted one officer as saying that “we would have slept with the devil to obtain information on communists.”<sup>26</sup> Consequently, the GAO concluded that “US intelligence used anti-Communist resources that had immediate intelligence potential,” including former Nazi intelligence personnel and collaborators.<sup>27</sup> (U)

The General Accounting Office report concentrated on 114 individuals. Of this number, five with “undesirable or questionable backgrounds” had been involved with American intelligence and had received assistance in moving to the United States. An additional seven aliens also had similar checkered personal histories but had no “identifiable” help in their immigration.<sup>28</sup> Of the five men who immigrated to America

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<sup>26</sup>1985 GAO Report, p. 15. (U)

<sup>27</sup>1985 GAO Report, p. 19. (U)

<sup>28</sup>The subjects are discussed on pages 29-40 of the 1985 GAO Report. The report does not identify the subjects by name; a key to their identities is found in Tipton to [ ] 8 July 1985, (C), in DO Records, Job [ ] Box 1, Folder 1, CIA ARC. (C)

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with governmental assistance, all had been involved with the CIA after the war: Xhafer Deva (Subject A), Stanislau Stakievich (Subject B), Otto von Bolschwing (Subject C), Mykola Lebed (Subject D), and Nicholas Poppe (Subject E). (C)

The GAO determined that several of the seven individuals who entered the United States without government assistance also had relationships with the Central Intelligence Agency. Nevertheless, the GAO "found no specific program to aid the immigration of undesirable aliens."<sup>29</sup> After examining thousands of documents from several Federal agencies and interviewing nearly 40 former government officials, the GAO felt "its review was sufficiently broad and unrestricted to state that this report fairly portrays the conditions that existed following World War II."<sup>30</sup> The evaluators did add a caveat that tempered their overall conclusion:

We were not denied access to any documents requested; however, intelligence agencies often assign projects innocuous names which do not reflect the projects' purposes and, therefore, we cannot assure that we requested all relevant projects' files. In addition, some documents requested could not be located or had been destroyed. However, these instances were the exception rather than the rule. The deaths of certain officials and the unclear recollections by others of events from the post World War II era made it difficult and/or impossible to reconstruct certain events, circumstances, and situations. As a result, we cannot be completely sure that we have obtained all relevant information or that we have identified all Nazis and Axis collaborators assisted by US agencies to immigrate to the United States.<sup>31</sup> (U)

The release of the GAO's report in late June 1985 initially generated little public interest. Congressman Rodino, who had requested the report in 1982, said that he found

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<sup>29</sup>1985 GAO Report, p. 29. (U)

<sup>30</sup>1985 GAO Report, p. iii. (U)



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the GAO's conclusions "extremely distressing." The fact that the report had to conceal the names of individuals and agencies did not sit well in Congress.<sup>32</sup> In early October, Romano L. Mazzoli, chairman of the House's Subcommittee on Immigration, Refugees, and International Law, called for an oversight hearing on the GAO report.<sup>33</sup> (U)

### Congress Looks at the GAO Report (U)

Mazzoli's subcommittee convened on 17 October and heard the testimony of the report's authors, Robert Glick and John Tipton, and the associate director of the General Government Division, Arnold P. Jones.<sup>34</sup> The questions, as expected, focused on the GAO's methodology and conclusions. The individual Congressmen reached no consensus in their judgements of the report's thoroughness, and the harsher criticisms of it gained the most attention. Barney Frank declared, "I have never been more disappointed in a GAO work product than I am today." He called it "totally inadequate" because it did not provide details of the intelligence operations to fight communism.<sup>35</sup>

(U)

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<sup>31</sup>1985 GAO Report, pp. 6-7. (U)

<sup>32</sup>Ralph Blumenthal, "2 War Criminals had Official Help in Getting to US, Study Finds," *New York Times*, 29 June 1985, p. 7. (U)

<sup>33</sup>Mazzoli to Casey, 10 October 1985, ER 85-3930, in DO Records, Job . C . Box 1, Folder 1, CIA ARC. (U)

<sup>34</sup>US Congress. House. Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary. *GAO Report on Nazi War Criminals in the United States*. 99th Cong., 1st sess., 17 October 1985 (hereafter cited as the 1985 GAO Report/Hearings). (U)

<sup>35</sup>1985 GAO Report/Hearings, p. 56. (U)

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Frank also submitted for the record a lengthy critique of the GAO report written by Elizabeth Holtzman, formerly of the House of Representatives (and now a District Attorney in New York). She complained that "the actions of US intelligence agencies and officers documented in the GAO report—working with suspected war criminals and mass murderers, following a morally bankrupt policy and deliberately deceiving other government agencies—took place without public disclosure." Holtzman called for an independent investigation and the full release of all records. "The public has a right to know the full story. Time is of the essence. We have already waited for forty years. We should not have to wait any longer."<sup>36</sup> (U)

John Loftus testified as well, essentially repeating his claims about the Belorussians and calling for yet more investigation.<sup>37</sup> [redacted] [redacted] former deputy director of the Office of Special Investigations and Loftus's supervisor (and now an attorney with the Central Intelligence Agency), commented, "Mr. Loftus's testimony consisted of his usual inchoate, stream-of-consciousness explications of various conspiratorial theories. Regrettably," [redacted] [redacted] added, "I was unable to follow the Byzantine contours of Mr. Loftus' testimony."<sup>38</sup> (U)

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<sup>36</sup>Ibid., pp. 57-61. According to the terms of the agreement between CIA and the GAO, the investigators returned all of their notes to the Agency at the conclusion of the first and second GAO investigations. These notes are maintained in DO Records, Job [redacted] [redacted] Boxes 1-3, and Job [redacted] [redacted] Boxes 2 and 8, CIA ARC. (U)

<sup>37</sup>1985 GAO Report/Hearings, pp. 79-99. (U)

<sup>38</sup>[redacted] [redacted] to Allen E. Brody, Chief, Liaison Division, Office of Legislative Liaison, "Immigration Sub-Committee Hearing on GAO Nazi Report," 23 October 1985, in DO Records, Job [redacted] [redacted] Box 1, Folder 1, CIA ARC. [redacted] [redacted] was in the audience when Loftus testified. (U)

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Neal Sher, who had replaced Allan A. Ryan, Jr., as OSI's director in 1983, also testified at the GAO hearing. He supported the findings of the GAO report as consistent with OSI's experience in investigating some 900 individuals since 1979, but he did note some differences. "It is important to bear in mind," Sher observed, "that OSI is essentially case oriented; we are prosecutors, whose objective is to investigate thoroughly allegations that an individual had been engaged in persecution which might warrant either denaturalization or deportation." He noted that the "historical review which was the function of the GAO Report and the efforts of OSI are for the most part separate and distinct."<sup>39</sup> (U)

The hearings concluded Congressional interest in the GAO's second investigation in the 1980s. While the Subcommittee's formal report contains additional correspondence between the House and OSI as well as with the GAO, Congress took no other action regarding the report.<sup>40</sup> The GAO's second investigation and its report, *Nazis and Axis Collaborators Were Used to Further US Anti-Communist Objectives in Europe—Some Immigrated to the United States*, stands as the Federal government's most definitive effort to address this issue. Interest in the subject, however, did not diminish. The Federal government's role in enabling Nazi war criminals to escape justice continued to make headlines in the 1980s. (U)

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<sup>39</sup>1985 GAO Report/Hearings, pp. 68-79. (U)

<sup>40</sup>Ibid., pp. 99-114. (U)

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## Chapter Five

### The Decade of the Nazi War Criminal (U)

The Loftus interview on *60 Minutes* had far-reaching implications. In addition to raising Congressional and public interest in the US government's assistance to Nazi war criminals in immigrating to America, the *60 Minutes* piece led the General Accounting Office to launch another major investigation that lasted for the next three years. The GAO concluded that various agencies of the Federal government, including the CIA, had maintained close contact with some of these figures. And, in some cases, the government had aided their immigration and worked with these individuals after their arrival in the United States. (U)

Even before the GAO issued its report in the summer of 1985, the Klaus Barbie case demonstrated the extent of American collusion with Nazi war criminals. The Department of Justice's investigation in 1983 exposed the Army's Counter Intelligence Corps's use of Nazi war criminals as intelligence sources and the "rat line" from Europe to South America. The Ryan report on Barbie appeared to confirm some of Loftus's charges that the US government had concealed its relationship with criminal adherents of the Third Reich. (U)

The Barbie investigation, coming immediately on the heels of the *60 Minutes* episode, fueled growing public speculation that the United States Government, especially its intelligence agencies, was involved with every unsolved Nazi war criminal case.

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Between 1983, when the Barbie case broke, and 1986, the world press seized upon the American connection with Nazi war criminals as topics of major speculation. Within a three-year period, cases such as Klaus Barbie, Robert Jan Verbelen, Josef Mengele, and Kurt Waldheim created international sensations. While American intelligence had links with two of the four major cases (Barbie and Verbelen), the media created an impression that the United States had information on the four individuals and facilitated their escape from justice. Thorough examinations by the Office of Special Investigation in the four cases failed to dispel this viewpoint. (U)

### The Barbie Investigation (U)

In February 1983, news reports circulated in the American press that the Central Intelligence Agency had protected Klaus Barbie while he lived in South America. Coming at the same time that the Bolivian Government finally extradited Barbie to France, these were serious charges. Sen. Patrick Moynihan, vice chairman of the Senate Select Committee on Intelligence, commented in response to the allegations, "appropriate inquiries have been made at various agencies, including the most recent inquiries of Mr. ~~Klaus Barbie.~~" (U)

This benign statement did not convey the sense of urgency that US officials shared in the Barbie revelations. On 8 February 1983, the Agency's Office of General Counsel learned from the State Department that the US Army had employed Barbie, a German SS officer accused of the murder of thousands of French resistance members,

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<sup>1</sup>See "Summary of Major Media Items on Intelligence," 14 and 16 February 1983, in DO Records, Job 1  Box 13, Folder 128, CIA ARC. (U)

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after World War II.<sup>2</sup> In an effort to head off negative press reports (apparently John Loftus had already raised the issue with CBS News), the Reagan Administration planned to distribute a press release concerning the entire case.<sup>3</sup> Both the Department of Defense and the CIA's Directorate of Operations, however, opposed such a move and preferred not to make any statement at all. While the Agency denied that it had any connection with Barbie either in Europe or in South America, Agency officials worried that the CIC unit that had "smuggled" him out of Germany and Italy may have actually been an OPC cover unit.<sup>4</sup> (U)

[ ] The Agency's General Counsel, updated the DCI on the Barbie case on 16 February. He explained Barbie's activities for the American Government, the background of the Nazi war criminal investigations, and the options available to American policymakers in resolving the Barbie case. [ ] offered four options to consider: maintain the *status quo* (that is, make no statement about Barbie); defer to the French Government for action in Barbie's case; launch an internal investigation into the American Government's complicity; or establish an independent inquiry to be headed by an "outsider of recognized standing." [ ] personally supported an internal investigation by the Department of Justice, which he said would make the Executive

<sup>2</sup>The State Department informed the CIA the same day as the *New York Times* broke the story about Barbie. See Ralph Blumenthal, "Ex-Chief of Gestapo in Lyon is Linked to US Intelligence," *New York Times*, 8 February 1983, pp. A-1 and A-9. (U)

[ ] Associate General Counsel to General Counsel, "Current Information and Administration Action Concerning Klaus Barbie Matter," 16 February 1983, (S), in DO Records, Job [ ] [ ] , Box 13, Folder 128, CIA ARC. (S)

<sup>4</sup>The confusion surrounding the OPC cover unit was initially stated in the above-cited memorandum. Subsequent memos corrected this false impression. The Agency recommended on 16 February that it "not make any public statement whatsoever concerning Barbie. To do so could be misconstrued by the media and/or general public." See "Klaus Barbie aka Klaus Altmann," [undated], (S), in DO Records, Job [ ] [ ] Box 13, Folder 128, CIA ARC. (S)

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Branch appear to be supportive of the Nazi war criminal investigation while protecting classified information.<sup>5</sup> (S)

[ ] however, warned DCI Bill Casey against placing contemporary values on historical actions. "We should not," the General Counsel advised, "appear to be making a deep commitment to justify what took place with respect to Barbie thirty years ago. If we make such a commitment, we will begin an endeavor from which it will be difficult to extricate ourselves and will create the appearance that somehow the current Administration bears some kind of responsibility for past events." "The focus of our effort," he told the DCI, "must be to make clear the distance of the questionable events in time. We must all recognize, too, that it was the documented policy of the United States to make pragmatic intelligence collection of ex-Nazis after World War II, because we were retooling our capabilities to deal with the new enemy, the Soviet Union."<sup>6</sup> (S)

In the meantime, Allan A. Ryan, Jr., director of the Office of Special Investigations, received permission from the Attorney General on 14 March 1983 to conduct an "investigation of the relationship between Klaus Barbie and the United States Government from the end of World War II to the present." Even before that point, Ryan had begun searching the Agency's holdings for records on Barbie. Indeed, the Agency

[ ] DCI, "Allegations of Complicity by US Intelligence in Post-World War II Escape of Nazi Klaus Barbie," 16 February 1983, OGC 83-01316, (S), in DO Records, Job [ ] Box 13, Folder 128, CIA ARC. (S)

<sup>6</sup>Ibid. It is not certain what [ ] meant by saying that it was "the documented policy of the United States to make pragmatic intelligence collection of ex-Nazis after World War II." The DDO, [ ] approved of OGC's recommendations to support a DOJ investigation, although he still wanted the Agency to maintain its "standard practice of neither affirming nor denying that Barbie was a CIA agent." See [ ] to DCI, 22 February 1983, (S), in DO Records, Job [ ] Box 13, Folder 128, CIA ARC. (S)

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permitted Ryan to conduct an "open review" of CIA's records without waiting for them to be sanitized.<sup>7</sup> (C)

The Agency began its name trace on Barbie (and on his alias, Klaus Altmann) on 17 February 1983 and had the results ready for Ryan on 1 March.<sup>8</sup> Ryan, who had taken leave from his normal duties as OSI's director to head the Justice Department investigation, visited CIA headquarters to examine the records and found that most of them were CIC documents.<sup>9</sup> The US Army also sent an attorney to inspect the CIA's holdings and compare them with its own documents on Barbie.<sup>10</sup> Agency records pointed to numerous other organizations and individuals, both Army and civilian, as well as other aliases used by Barbie during his years in hiding. The Agency tracked these names through its index systems and also arranged to have Ryan interview retired CIA officials knowledgeable about operations in Europe and Latin America.<sup>11</sup> (S)

<sup>7</sup> See [redacted] Memorandum for the Record, "Klaus Barbie-Altmann-Meeting with OGC and DOJ/OSI Representative Alan Ryan," 22 February 1983, IMS/FPLG 83/21, (C), and [redacted] Memorandum for the Record, "DOJ/OSI Request to Review DO Records on Klaus Barbie," 25 February 1983, (C), in DO Records, Job [redacted] Box 13, Folder 128, CIA ARC.

(C)  
<sup>8</sup> [redacted] OGC to [redacted] et al, "Nazi War Criminal Investigation," 18 February 1983, OGC 83-01394, (S), and [redacted] Acting Chief, Operations Group to [redacted] Chief, FPLG, "Nazi War Criminal Investigation," 1 March 1983, DOR-00997, both in DO Records, Job [redacted] Box 13, Folder 128, CIA ARC. (S)

[redacted] b [redacted] OGC, "DOJ/OSI Notes on Klaus Barbie-Altmann," 3 March 1983, IMS/FPLG 83/28, (S), in DO Records, Job [redacted] Box 13, Folder 128, CIA ARC. (S)

<sup>10</sup> [redacted] Memorandum for the Record, "Review of DO Records on Klaus Barbie by Chief, Security Team, Directorate for Counterintelligence, Department of the Army," 4 March 1983, (C), and [redacted] to [redacted] OGC, "Department of Army, Office of General Counsel Notes on Klaus Barbie," 22 March 1983, IMS/FPLG-83/45, (S), both in DO Records, Job [redacted] Box 13, Folder 128, CIA ARC. (S)

<sup>11</sup> [redacted] Intelligence Community Affairs, Office of General Counsel, to [redacted] et al, "DOJ/OSI Investigation of Klaus Barbie," 29 March 1983, OGC 83-02579, (S). While in La Paz, for example, Ryan wanted to speak with the [redacted] about Barbie's affairs in Bolivia. Ryan to [redacted] 5 April 1983, (S), both in DO Records, Job [redacted] Box 13, Folder 128, CIA ARC. (S)

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While Ryan pursued leads from Washington to South America and France, he also battled leaks and legal action that threatened the course of his investigation.<sup>12</sup> The Barbie case naturally attracted interest throughout the country and even generated a book by a former CIC officer who had worked with Barbie in Germany.<sup>13</sup> Congress was also interested in the outcome of the Barbie investigation. At the end of March 1983, the DCI learned from Edward P. Boland that the House Permanent Select Committee on Intelligence wanted information on Barbie to prepare for hearings on "how the US relationship with Barbie and his associates was considered, approved and reviewed, and how such procedures contrast with current policies and practices."<sup>14</sup> (C)

### The Ryan Report (U)

By mid-July 1983, after several months of intensive investigation, Ryan provided the CIA with a copy of his draft report for a hasty declassification review so he could use it at an upcoming press conference.<sup>15</sup> The Agency suggested few changes be made to

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<sup>12</sup>For his protests about a misleading report by CBS News, see Ryan to Robert Gelberd, Department of State et al, "CBS Report of Barbie Investigation," 7 April 1983, OGC 83-02995. The Ryan investigation and the Intelligence Community's ability to withhold records was challenged by a law suit brought by ABC News under the Freedom of Information Act. *American Broadcasting Companies, Inc., et al v. US Department of the Army et al*, Civil Action 83-1836, United States District Court for the District of Columbia, 24 June 1983, both documents in DO Records, Job [ ] Box 13, Folder 128, CIA ARC. (U)

<sup>13</sup>Erhard Dabringhaus, *Klaus Barbie: The Shocking Story of How the US Used this Nazi War Criminal as an Intelligence Agent* (Washington, DC: Acropolis Books Ltd., 1984).

<sup>14</sup>Boland to Casey, 25 March 1983, ER 83-1791. For Casey's reply, see Casey to Boland, 29 April 1983, OEXA 83-0219/G. The House eventually decided to let the Ryan and GAO investigate Barbie. See [ ] Legislative Liaison Division, Memorandum for the Record, "House Permanent Select Committee on Intelligence (HPSCI) Request for Information on Klaus Barbie, Nazi War Criminal, and Alleged Connection with CIA," 17 May 1983, OEXA 83-0219/7, (C), all in DO Records, Job [ ] Box 13, Folder 128, CIA ARC. (C)

<sup>15</sup>Ryan to [ ] 22 July 1983, DO Records, Job [ ] Box 13, Folder 128, CIA ARC. (U)

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Ryan's manuscript and, in fact, supported the Justice Department's position for full acknowledgment of Barbie's role in occupied Germany.<sup>16</sup> The CIA deleted only a couple of references to station locations and sources, and the identity of one Army cover organization in Germany. Ryan and Agency officials rewrote the deleted sections, still carrying the main point across without damaging "sources and methods."<sup>17</sup> The Agency declined to submit written comments to the Attorney General for inclusion with the final report because it was satisfied with the substance of the investigation.<sup>18</sup> (S)

Based on his review of the Agency's records and interviews with current and former Agency officials, Ryan concluded, "at no time from the end of World War II to the present time has the Central Intelligence Agency had any relationship with Klaus Barbie." He also determined that the "CIA was not involved in the use, control, or financing" of the rat line from Austria to Italy and then to South America that allowed Barbie to escape in 1951.<sup>19</sup> (U)

<sup>16</sup> [ ] Memorandum for the Record, "Klaus Barbie, et al," 26 July 1983, XAN 00647, (S), and [ ] Chief, IMS/FPLG, to Acting Chief, IMS, "Klaus Barbie Investigation Report," 26 July 1993, (C), both in DO Records, Job [ ] [ ] Box 13, Folder 128, CIA ARC. (S)

<sup>17</sup> For CIA's deletions and proposed insertions, see [ ] to Ryan, 29 July 1983, OGC 83-06156, in DO Records, Job [ ] [ ] Box 13, Folder 128, CIA ARC. Ryan's investigation raised numerous, yet difficult, questions for the CIA. In going through the old records, Ryan tried to ascertain the relationship between the War Department Detachment and the Department of Army Detachment with CIC in Germany. He also wanted to know what cover organizations OPC had used overseas and what links the CIA had had with Krunoslav Draganovic, the clerical mastermind behind the rat line. Ryan also wanted to know why so many CIC members later had joined the CIA, and if the Agency had taken over the rat line from the Army. Other questions, including the Agency's knowledge about Barbie in Europe and in Latin America, were serious issues that required extensive research through hundreds of records and interviews of surviving witnesses. (U)

<sup>18</sup> [ ] to Ryan, 2 August 1983, OGC 83-06489, (S), in DO Records, Job [ ] [ ] , Box 13, Folder 128, CIA ARC. (S)

<sup>19</sup> US Department of Justice, Criminal Division, *Klaus Barbie and the United States Government: A Report to the Assistant Attorney General, Criminal Division, US Department of Justice*

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Ryan's report persuaded the United States Government to apologize to France for delaying justice in Barbie's case.<sup>20</sup> It was an unprecedented move following an unprecedented investigation. Ryan's report went into extensive detail (including names, organizations, and a separate volume containing declassified source documents) and supplemented the 1977-78 GAO Report and its anticipated report in 1985.<sup>21</sup> Ryan left government service shortly after the 16 August 1983 press conference, but his report, researched and written in less than five months, set a new standard for the Office of Special Investigations to pursue in the flurry of cases that soon followed. (U)

### Robert Jan Verbelen (U)

The ink had barely dried on Ryan's report before the Attorney General called on the Office of Special Investigations to probe the US Government's relationship with Robert Jan Verbelen in Austria.<sup>22</sup> A native of Belgium and a member of a Flemish SS group, Verbelen had been convicted of war crimes in absentia by a postwar Belgian court and sentenced to death. Verbelen ended the war in Austria and found employment with the 430th CIC Detachment in Vienna as early as 1946. Although American intelligence

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(Washington, DC US Department of Justice, 1983), pp. 145, 165-168. (Hereafter cited as the Ryan Report). (U)

<sup>20</sup>Stuart Taylor, Jr., "US Says Army Shielded Barbie, Offers Its 'Regrets' to the French," *New York Times*, 17 August 1983, pp. A-1 and A-8. (U)

<sup>21</sup>The thoroughness of the Barbie report exposed it to other criticism. John Loftus claimed, "the US is not capable of giving a complete and truthful account of history." Flora Lewis, "Barbie's American Connections," *New York Times*, 26 August 1983, p. 25. Peter Dale Scott also blasted the Ryan Report for failing to examine other connections that Barbie supposedly shared in Europe and South America. Peter Dale Scott, "How Allen Dulles and the SS Preserved Each Other," *Covert Action Information Bulletin* 25 (Winter 1986), pp. 4-14. Christopher Simpson calls Ryan's conclusion that Barbie was the only Nazi war criminal smuggled out of Europe to be patently false. Simpson, *Blowback*, pp. xi-xv. (U)

<sup>22</sup>Verbelen Report, pp. 1-6. (S)

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dropped him as a source in the mid-1950s, the Austrian Government failed to extradite him to Belgium and an Austrian court acquitted him of murder in 1967. (U)

As OSI learned the sketchy details about Verbelen's use by American intelligence, it launched a full investigation. "In view of the continuing public interest in this matter, OSI has, in the course of the present investigation, attempted to ascertain what were CIC's policies and actual practices with respect to the employment of war criminals and former Nazis or Nazi collaborators in postwar Europe," OSI's published report declared.<sup>23</sup> Verbelen was a CIC asset, but the possibility also existed that the CIA had some connection with the Belgian fugitive. OSI uncovered that it was a CIA request for information in 1956 that informed the Counter Intelligence Corps that their agent faced war crimes charges.<sup>24</sup> The Agency, according to OSI, persuaded CIC to transfer control of its agent to a "Western European intelligence agency," which allowed the Army to wash its hands of him. Whether or not he later worked for this unnamed agency (the West German BND) is uncertain. He also apparently served as an informant for the Austrian State Police.<sup>25</sup> (C)

OSI was under little outside pressure to complete the Verbelen report, thus it took ~~time to do~~ a thorough job. OSI submitted its report for CIA review in late 1986, and the Agency took another year to approve its release. Reviews in other agencies delayed the

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<sup>23</sup>Ibid, p. 3. (S)

<sup>24</sup>OSI initially assigned Edward Bourguignon to the Verbelen case in late 1983. A year later, historian Elizabeth B. White of OSI took over the investigation. She visited CIA headquarters in the spring of 1985 to review Agency files. See Neal Sher to [redacted] "Robert Jan Verbelen," 30 December 1983, and Sher to [redacted] "Robert Jan Verbelen," 17 December 1984, in OGC working files, folders for 1984 and 1985. (U)

<sup>25</sup>Copies of the various pages reviewed and sanitized by CIA are found in DO Records, Job C [redacted] Box 3, Folder 26, CIA ARC. (U)

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submission of OSI's final report to the Attorney General and the public until June 1988.<sup>26</sup> (U)

While OSI took more than four years to complete the Verbelen investigation, the report reinforced Ryan's earlier findings. The report confirmed that many CIC agents in western Europe, Austria in particular, were tainted by wartime Nazi affiliations and crimes.<sup>27</sup> Verbelen, for example, succeeded in hiding his past from the CIC for a decade. The CIA, while not directly involved with Verbelen, nonetheless learned damaging details about him and smoothed his way to leave the US Army's service quietly. Although OSI did not castigate the CIA for its actions, OSI believed that Verbelen "manipulated" the Agency as well as the Counter Intelligence Corps "into protecting him from being brought to justice for his crimes."<sup>28</sup> (U)

## The Search for Josef Mengele (U)

The delay in the release of the Verbelen report can be seen in the light of startling new developments in the hunt for Nazi war criminals. In 1985, the Office of Special Investigations launched a major search for Josef Mengele, a German SS ~~Hauptsturmführer~~, who had served as a doctor at the Auschwitz concentration camp

<sup>26</sup>For correspondence dealing with the declassification of the report, see Neal M. Sher, Director, OSI to [redacted] Associate Deputy General Counsel, CIA, "Mandatory Declassification Review under Executive Order 12356: Robert Jan Verbelen—A Report to the Attorney General," 24 October 1986; Mark M. Richard, Deputy Assistant Attorney General, to Robert Gates, Acting DCI, 24 February 1987, (S); [redacted] OGC to Sher, 23 April 1987, OGC 87-51178, (S); Sher to [redacted] 15 October 1987; and [redacted] Sher, 6 November 1987, OGC 87-53120, all in DO Records, Job [redacted] Box 3, Folder 26, CIA ARC. (S)

<sup>27</sup>Examples of other Nazis and collaborators used by CIC are discussed in Verbelen Report, pp. 83-90. (U)

<sup>28</sup>Ibid, p. 92. (U)

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where he conducted unspeakable horrors under the guise of medical experimentation. In early December 1984, OSI requested a name trace on Josef Mengele, born in Guenzburg, Germany, on 16 March 1911.<sup>29</sup> Five days later the Directorate of Operations informed [ ] the Office of General Counsel's attorney now responsible for Nazi war criminal cases (he had succeeded [ ] that it had a sanitized file ready for OSI's review.<sup>30</sup> (S)

OSI, however, did not review the Mengele file for another two months. In the interim, the *New York Times* published a report on 23 January 1985 stating that American intelligence had arrested and released Mengele after the war. Mengele, who had been wanted by West Germany since 1959, had presumably escaped from Europe and fled to South America. Media coverage, based on declassified CIC reports obtained by the Simon Wiesenthal Center in Los Angeles, encouraged speculation that the American Government had aided one of the most notorious Nazi criminals. Rabbi Marvin Hier exclaimed that the CIC reports "create reasonable doubt as to whether or not the US had a role in the case of Josef Mengele."<sup>31</sup> (U)

Calls from Capitol Hill for an investigation soon followed. In January 1985, Sen. ~~Alfonse M. D'Amato~~ (R NY) appealed to DCI Casey to establish a special team "to conduct an intensive search of intelligence records for any and all information directly or

<sup>29</sup>[ ] OGC, to [ ] IMS/FPLG, and [ ] OS/SAG, Nazi War Crimes Investigations," 7 December 1984, OGC 84-53282, (S), in DO Records, Job 88-00252R, Box 1, Folder 9, CIA ARC. (S)

<sup>30</sup>[ ] to [ ] Trace Results on Alleged Nazi War Criminal," 12 December 1984, XAN 01002, (S), in DO Records, Job [ ] Box 1, Folder 9, CIA ARC. (S)

<sup>31</sup>Ralph Blumenthal, "Papers Indicate Mengele May Have Been Held and Freed after War," *New York Times*, 23 January 1985, p. A-4. (U)

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indirectly concerning Dr. Josef Mengele.”<sup>32</sup> Within a few days, the CIA’s General Counsel, [redacted] and [redacted] formerly with OSI (and now an Assistant General Counsel), met with Sen. D’Amato and briefed him on CIA’s progress in its review. The Agency later provided the senator with copies of declassified documents.<sup>33</sup> In February 1985, Attorney General William French Smith called upon the Office of Special Investigations to examine the available evidence and prepare a report about any collusion between American intelligence and Mengele. “We will use,” Smith declared, “the effective techniques which OSI has used in the past to trace and locate Nazi war criminals.”<sup>34</sup> (U)

The Mengele case proved unique in the annals of the Office of Special Investigations. The Federal government had conflicting information on whether Mengele was still alive and where he lived in South America. Mengele also used numerous aliases, complicating the international searches over the years. In addition to checking archives in the United States, OSI fostered ties to several countries, primarily West Germany and Israel, to develop leads and interview witnesses.<sup>35</sup> At a Congressional hearing in March, Assistant Attorney General Stephen S. Trott testified that “the FBI, the State Department, the Army, the entire intelligence community are helping us in this investigation.” Trott reported that the specialized nature of this case called for other

<sup>32</sup>D’Amato to Casey, 24 January 1985, ER 85-369; and D’Amato to Casey, 26 February 1985, ER 85-369/2, both in DO Records, Job [redacted] Box 1, Folder 9, CIA ARC. (U)

<sup>33</sup>[redacted] to [redacted], Chief, IMS/FPLG, “DDO Files Pertaining to Dr. Josef Mengele,” 1 February 1985, OGC 85-50363, in DO Records, Job [redacted] Box 1, Folder 9, CIA ARC. (U)

<sup>34</sup>Associated Press, “Smith Orders Search for Auschwitz Doctor,” *Washington Post*, 7 February 1985, p. A6. (U)

<sup>35</sup>US Department of Justice, Criminal Division, *In the Matter of Josef Mengele: A Report to the Attorney General of the United States* (Washington, DC: Department of Justice, 1992), pp. 8-11. (Hereafter cited as the Mengele Report). (U)

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governmental agencies to become involved. "We also have the Drug Enforcement Administration and the US Marshals Service assisting our Office of Special Investigations helping us find this man, if indeed he is still living."<sup>36</sup> (U)

The initial allegations centered on Mengele's life in postwar Germany and whether American intelligence had utilized him or helped him to escape.<sup>37</sup> While proving or disproving the allegations posed an enormous challenge to OSI, further charges muddled the investigation. Sens. D'Amato and Arlen Specter held a news conference in late February where they produced declassified CIA documents that revealed the Agency's monitoring of Mengele's activities, including narcotics trafficking, since the early 1970s. D'Amato blasted the Agency for its inaction concerning these reports. "They just let the information land there. No one pursued this."<sup>38</sup> Sen. Specter, in turn, saw this as just another example of the government's disinterest in crimes committed during World War II. This is, he said, "a chapter in history that the United States wants to sweep under the rug. Nobody really gives a damn about Nazi war criminals."<sup>39</sup> (U)

The media refused to allow the Mengele issue to disappear. The "Angel of Death" now became an international sensation—a bitter reminder of the mixed success of

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<sup>36</sup>Thomas O'Toole, "US Search for Mengele Expanded," *Washington Post*, 20 March 1985, p. A18. (U)

<sup>37</sup>Mengele Report, p. 7. (U)

<sup>38</sup>Ralph Blumenthal, "Mengele Link to Drug Trafficking is Reported in CIA Documents," *New York Times*, 26 February 1985, pp. A1 and A4. (U)

<sup>39</sup>Bill Peterson, "Nazi Fugitive Linked to Drug Trafficking," *Washington Post*, 27 February 1985, p. A15. (U)

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the postwar Allied pursuit of Nazi criminals on the 40<sup>th</sup> anniversary of the war's end.<sup>40</sup>

While the American Government searched its records for Mengele's life in Germany,

self-anointed "Nazi hunters," including John Loftus, proclaimed their own theories.<sup>41</sup>

Congress, in the meantime, held open hearings on the matter, seeking to clarify the role that the Federal agencies had played.<sup>42</sup> The search continued to become entangled with other leads as it now appeared that the Mengele family had business ties to the United States during the 1970s. (U)

The focus of the investigation shifted in June 1985 when Brazilian officials exhumed a grave in a suburb of Sao Paulo. Shortly afterward a team of international forensic experts concluded that the remains, indeed, were those of Mengele, who had died in 1979. The Attorney General accepted the scientists' conclusion. After lengthy DNA testing, the West German and Israeli Governments also declared the Mengele case closed. (U)

OSI's final report, released in 1992, turned out to be anticlimatic. It found that Mengele had no connection with the US Army or any American intelligence agency.

While he had been captured and confined in several American prisoner of war camps at

~~the end of the war~~, the Army did not identify him as a war criminal. The fact that

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<sup>40</sup>Art Harris, "On the Trail of Mengele," *Washington Post*, 8 March 1985, pp. C1 and C8. The Mengele investigation coincided with President Reagan's controversial visit to a German war cemetery in Bitburg in early 1985. (U)

<sup>41</sup>United Press International, "Search for Mengele Faulted," *Washington Post*, 10 February 1985, p. A11. (U)

<sup>42</sup>Congress actually held three separate hearings to review the Mengele investigation: two before the discovery of the remains and one immediately afterward. Among those who testified [ ] a former CIA official in charge of examining forgeries, served as a representative on OSI's team that went to Brazil in the summer of 1985. See US Congress, Senate. Subcommittee on Juvenile Justice of the Committee of the Judiciary. *Searching for Dr. Josef Mengele*. 99th Cong., 1st sess., 19 February, 19 March, and 2 August 1985. (U)

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Mengele remained in Germany until he escaped to South America via Italy in 1949 resulted from disjointed efforts by the US and Polish Governments to bring him to justice. The Office of Special Investigations found no evidence that either the Counter Intelligence Corps or the Central Intelligence Agency had had any relationship with Mengele in Europe or in Latin America. The investigation did not examine allegations of Mengele's role in drug trafficking in any detail and only briefly discussed the family's business affairs in the United States. (U)

CIA's role in the Mengele investigation consisted of name traces of Mengele, his aliases, personalities associated with him, and various businesses. While the Mengele case had all the signs of a scandal involving the Agency, the OSI investigation found no reason to castigate the CIA. For the most part, the CIA avoided criticism during the investigations of Klaus Barbie, Robert Jan Verbelen, and Josef Mengele. These three cases, among the largest Nazi war criminal investigations of the 1980s, revealed the intricate relationships that the United States had with Nazi war criminals in the years after World War II. While the Central Intelligence Agency was not directly involved with Barbie or Verbelen, it certainly knew about their use by the Counter Intelligence Corps. In Mengele's case, no CIA angle was discovered, but the Agency's research tools proved of great assistance in trying to track down Mengele's movements. (U)

In 1986, the world was rocked by a new scandal as attention shifted to Austria where former United Nations Secretary General Kurt Waldheim's wartime role became the subject of intense speculation. The Agency fared far worse in this next major Nazi war criminal case of the 1980s. (U)

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### Chapter Six

#### As If It Had Come Off Mr. Waldheim's Xerox© Machine (U)

In 1986, the world discovered that Kurt Waldheim, former secretary general of the United Nations from 1972 until 1982 and a candidate for Austria's presidency, had served as a Wehrmacht staff officer in the Balkans during World War II. While he had never denied that he had been in the German army, Waldheim's 1985 autobiography, *In the Eye of the Storm*, lent the impression that his military service had been curtailed after he had received wounds in late 1941 on the Russian front. After his recovery, Waldheim went on to law school in Vienna.<sup>1</sup> As subsequent investigations easily discovered, *Oberleutnant* Waldheim held staff positions in senior army-level commands in Yugoslavia and Greece until the end of the war. The brutal nature of the war against local partisans and Allied commandos coupled with Nazi Germany's brutal treatment of

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<sup>1</sup>Kurt Waldheim, *In the Eye of the Storm: A Memoir* (Bethesda: Adler and Adler, 1986). Waldheim's book had first been published in England a year earlier. *Im Glaspalast der Weltpolitik* (Dusseldorf and Vienna: Econ Verlag, 1985), the German-language version of the Waldheim's book contains slightly more details about his military service, including the fact that he served until 1945. Waldheim's other publications, *The Challenge of Peace* (London: Weidenfeld and Nicholson, 1980) and *Building the Future Order: The Search for Peace in an Interdependent World* (New York: The Free Press, 1980) do not discuss his pre-UN activities.

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Balkan civilians, including Jews, and Italian prisoners of war after 1943, raised questions about Waldheim's own activities and his knowledge of the German atrocities.<sup>2</sup> (U)

In the midst of Austria's presidential campaign in 1986, Waldheim's military service over 40 years earlier attracted considerable international attention. Waldheim, the candidate of the conservative Austrian People's Party, became a symbol of the unfinished world war. Coming on the heels of Ronald Reagan's controversial visit in 1985 to a German military cemetery in Bitburg, Waldheim's election was seen as yet another milestone in reconciling Europe's past in the context of the continuing Cold War struggle between the United States and the Soviet Union.<sup>3</sup> (U)

Austria, however, appeared to suffer from a sort of historical amnesia about its role in the Third Reich.<sup>4</sup> Austria, which had been occupied by the Allies after the war and became a unified nation in 1955, had long held up its role in World War II as Nazi Germany's first victim. The Austrians heralded their limited resistance efforts against the

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<sup>2</sup>In addition to the investigations of Kurt Waldheim conducted by the Austrian magazine, *Profil*, and the World Jewish Congress, there were four official investigations done by the US Department of Justice, the Austrian Government, the British Government, and an independent panel of military historians. Thames Television also produced a televised "trial" of Waldheim entitled "Waldheim: A Commission of Inquiry" in June 1988. Jack Saltman, the show's producer, published his research for Thames Television in *Kurt Waldheim—A Case to Answer?* (London: Robson Books, 1988). (U)

<sup>3</sup>Geoffrey H. Hartman, ed., *Bitburg in Moral and Political Perspective* (Bloomington: Indiana University Press, 1986). See also Deborah Lipstadt, *Denying the Holocaust: The Growing Assault on Truth and Memory* (New York: The Free Press, 1993) and Mary Fulbrook, *German National Identity after the Holocaust* (Cambridge: Polity Press, 1999). (U)

<sup>4</sup>Several articles in Gunter Bischof and Anton Pelinka, eds., *Austrian Historical Memory and National Identity* (New Brunswick: Transaction Publishers, 1997) discuss the "politics of

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Nazis and had conveniently forgotten, or suppressed, the fact that the country had enthusiastically welcomed its annexation, or *Anschluss*, into the Third Reich in 1938. Many prominent Nazi officials, including Adolf Hitler and the "Architect of the Final Solution," Adolf Eichmann, were natives of Austria. The Nazis, with the active collaboration of many Austrians, destroyed the country's large and important Jewish population. In addition, over a million Austrians served in the German Wehrmacht, while the country's industrial and agricultural resources sustained the Third Reich until the bitter end.<sup>5</sup> (U)

Eli M. Rosenbaum, who headed the investigation into Waldheim's wartime past for the World Jewish Congress (WJC), regarded the case as critical in the struggle for historical memory as the 20<sup>th</sup> century came to a close. Writing in 1993, Rosenbaum noted:

In a sense, Waldheim was an unimportant man, who had distinguished himself at the UN more by his mediocrity than anything else. He was eased into diplomatic semiretirement and then won the largely ceremonial post of president of a small

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memory about Austria in the 1930s and 40s. See also George E. Berkley, *Vienna and Its Jews: The Tragedy of Success, 1880s-1980s* (Cambridge: Abt Books, 1988). (U)

<sup>5</sup>By 1945, Austria, for example, produced 10 percent of Nazi Germany's small arms, 20 percent of its locomotives, 30 percent of its aircraft fighters, and 55 percent of its mainstay tank. In addition, some 1.2 million Austrians served in the German armed forces, including 228 as generals and admirals. A total of 247,000 Austrians were killed or reported missing during the war and an additional 24,000 civilians died as a result of Allied bombings. Altogether, some 372,000 Austrians (including Jews and political dissidents) lost their lives between 1938 and 1945, some 5.6 percent of the population. Austria's prewar Jewish population of nearly 200,000 was wiped out as a result of Nazi activities. For further details, see Evan Burr Bukey, *Hitler's Austria: Popular Sentiment in the Nazi Era 1938-1945* (Chapel Hill: University of North Carolina Press, 2000). See also Bruce F. Pauley, *Hitler and the Forgotten Nazis: A History of Austrian National Socialism* (Chapel Hill: The University of North Carolina Press, 1981). (U)

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European nation that was comparatively unimportant politically, economically, and militarily.

But in another sense, he was a vital symbol. The crimes of the Nazis were not accomplished by a mere handful of evil leaders like Hitler, Eichmann, and the Berlin-based commanders. The execution of those ghastly crimes, on an unparalleled scale, required the complicity of many thousands of people. They were the essential gears in a giant criminal machine. Waldheim was such a gear, a component in a horrific, lawless enterprise that brought devastation, misery, and tragedy to vast areas of Europe. His postwar career was, therefore, an intolerable affront to human decency—as was the conduct of those governments and individuals who had enabled his deception to succeed and who had aided him even after he was exposed.<sup>6</sup> (U)

Allegations about Waldheim's military service prompted Attorney General Edward Meese to direct the Office of Special Investigations (OSI) in the US Department of Justice to open an investigation in March 1986 whether he should be excluded from entering the United States under the provisions of the "Holtzman Amendment." A year later, Meese announced that Waldheim had been placed on the "watch list" of war criminals excluded from entry into the United States. In an unprecedented move, the United States Government formally prohibited Waldheim, who had been elected Austria's president in June 1986, from visiting America in either an official or unofficial capacity.<sup>7</sup> The United States continues to exclude Waldheim to this day. (U)

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<sup>6</sup>Eli M. Rosenbaum with William Hoffer, *Betrayal: The Untold Story of the Kurt Waldheim Investigation and Cover-Up* (New York: St. Martin's Press, 1993), pp. 471-472. (U)

<sup>7</sup>Leslie Maitland Werner, "Waldheim Barred from Entering US over Role in War," *New York Times*, 28 April 1987, pp. A1 and 28. (U)

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## Waldheim and the CIA (U)

The Waldheim affair is important for several reasons, not to mention the international isolation that the country faced after Waldheim's election and the lingering effects on relations between Austria and the United States.<sup>8</sup> While the media branded Waldheim as a Nazi and then closed the case after the Attorney General's announcement in April 1987, the Federal government's decision to exclude the Austrian president remains an emotional issue to this day.<sup>9</sup> The controversy surrounding Waldheim also divided the Jewish community. Stunned that an international figure of Waldheim's stature could hide a tainted past, some Jewish activists accused Simon Wiesenthal, Austria's famed "Nazi hunter," of sheltering Kurt Waldheim. This schism continues to be played out years after Waldheim's exposure.<sup>10</sup> (U)

The Central Intelligence Agency has endured withering criticism in the media and in the halls of Congress for its failure to know about Waldheim's hidden past. More

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<sup>8</sup>Richard Bassett, *Waldheim and Austria* (New York: Viking Press, 1989). See also Luc Rosenzweig and Bernard Cohen, *Waldheim*. Trans. by Josephine Bacon. (New York: Adam Books, 1987). (U)

<sup>9</sup>A retired CIA officer, John R. Mapother, has been one of the most vocal critics of the US Government's decision to bar Waldheim from American soil. See John R. Mapother, *Wie man auf die Watchlist kommt* (Vienna: Ibera and Molden Verlag, 1997). For a translated version, see Mapother, *News as Entertainment: How Austria's Anti-Nazi President Became America's Favorite Nazi Culprit* (Potomac: n.p., 1999). See also Harold H. Tittman III, *The Waldheim Affair: Democracy Subverted* (Dunkirk: Olin Frederick, 2000). (U)

<sup>10</sup>See Alan Levy, *The Wiesenthal File* (Grand Rapids: William B. Eerdmans Publishing Company, 1993) and Simon Wiesenthal, *Justice, Not Vengeance* (London: Weidenfeld and Nicholson, 1989). Rosenbaum's book, *Betrayal*, is as much of an attack against Wiesenthal as it is against Waldheim. For further details, see Jacob Heilbrunn, "Waldheim and His Protectors:

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damning, some critics have charged that the CIA actually knew about Waldheim's wartime service and covered it up for its own clandestine purposes. In the years since the Waldheim case came to light, a steady drumbeat has reverberated in the press that the CIA lied to protect Waldheim. These critics demanded that the US Government force the Agency to open its Waldheim files in order to expose the CIA's duplicity. The Agency, using its often-cited need to safeguard "sources and methods," rebuffed these efforts and fought a long, but in the end, vain fight to preserve the sanctity of its operational records.

(U)

### The Agency's Late Interest in Waldheim (U)

Waldheim had a normal, if not distinguished, career as an Austrian diplomat when he was elected secretary-general of the United Nations in late 1971. The Agency, meanwhile, did not consider Waldheim of intelligence interest and did not even open his 201, or personality, file until January 1972. Aside from a few scattered references to Waldheim's work in the Austrian Foreign Ministry during the 1950s, the Agency conducted its first checks on him only after he rose to the top leadership position in the UN.<sup>11</sup> (S)

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The Search for Truth Leads the Author Down Some Surprising Paths," *New York Times Book Review*, 10 October 1993, p. 9. (U)

<sup>11</sup>The Agency opened its "201" file on Kurt Waldheim on 10 January 1972. □

□ See Cable, Director to DO/ □ 11 January 1972, Director 219714, (S), in Kurt Waldheim, File 201-0896881, Records of the Directorate of Operations (hereafter cited as Waldheim, File 201-0896881, DO Records). (S)

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While Waldheim was not of particular interest to the CIA until his rise to the helm of the United Nations, the Directorate of Intelligence published some 20 biographical profiles of Waldheim between 1964 and 1987. Interestingly, the Agency's first biographical profile of Waldheim as Austria's ambassador to the United Nations did not even list his military service.<sup>12</sup> By the time that Waldheim became secretary general, the DI reported that he had served in the German army and had been wounded. This report commented, "Waldheim is a devoted friend of the United States, and he has been very cooperative and helpful in promoting US interests. When he was Foreign Minister his personal cooperation was particularly effective in confidentially working out Austrian formulations acceptable to the United States covering such subjects as Vietnam, the Middle East and European security. His long service in the United States," the Agency noted, "has given him an understanding of American thinking and foreign policy objectives."<sup>13</sup> (U)

Shortly after his swearing in as the new UN chief, the CIA queried its sources in early January 1972 about rumors that Waldheim had been a member of the Nazi party.<sup>14</sup>

One source denied "emphatically" that Waldheim had ever belonged to the National Socialist German Workers' Party, or NSDAP, although he knew that Waldheim had

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<sup>12</sup>Biographical profile, Kurt Waldheim, July 1964, in Kurt Waldheim "CIA Name File," NARA. (U)

<sup>13</sup>Directorate of Intelligence, Intelligence Memorandum, "Kurt Waldheim of Austria, Secretary General of the United Nations," January 1972, in "CIA Name File," NARA. (U)

<sup>14</sup>For the first inquiry, see Cable, DO. 20776, IN 505612, (S), in Waldheim, File 201-0896881, DO Records. (S)

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served as a staff officer in the German army. According to this report, Waldheim "never had to make a serious decision himself and he always had superiors who would take the responsibilities for decision and action." He was, in this agent's words, a "colorless bureaucrat."<sup>15</sup> (S)

Headquarters took other steps to check on Waldheim, requesting its base in C J to check with the State Department's Berlin Documents Center to see if Waldheim had a Nazi party membership file. The Base reported that, while there were three men with the same name in the Nazi party, it found no trace that the UN secretary-general had joined the party. "Wish [to] point out," C J reported, "[that] negative trace at BDC not absolute guarantee that individual being traced was not member OS [Austrian] NSDAP. Although it is presumed that master NSDAP card file [is] complete there [is] no way [of] being positive this source."<sup>16</sup> (S)

The Agency's station in C J also queried an old source who "reiterated that he considers it very unlikely that Waldheim was a member NSDAP, pointing out that Waldheim's father was fired from his post by Nazis." The source furthermore added, "the rumor [of Waldheim's Nazi membership] might have arisen from stories (which he could not vouch for) that Waldheim during WWII service as a staff officer in Paris had reputation as 'knowing Paris' and arranging gay evenings for VIPs." Station could not

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<sup>15</sup>Cable, DO/1 C J to Director, 5 January 1972, C J 20787, IN 506467, (S), in Waldheim, File 201-0896881, DO Records. (S)

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find any information detailing Waldheim's wartime service and considered it unlikely--given his postwar duties in the Austrian Foreign Ministry--that he could have been a Nazi.<sup>17</sup> (S)

After this initial examination, the Agency did not actively research Waldheim's wartime service. Instead, the CIA simply kept tabs on Waldheim's official travel, his personal habits, and the activities of his staff. No evidence in the files indicates that he was an agent of the Central Intelligence Agency or the US Army's Counter Intelligence Corps (CIC) before, during, or after his tenure in the United Nations.<sup>18</sup> Likewise, the CIA's records do not provide any leads that Waldheim was a source for the Soviets, the Yugoslavs, or any other communist nation. (S)

### Congress Takes Note (U)

Waldheim's World War II activities attracted occasional attention in the United States. After the *New Republic* published two articles on the United Nations and

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<sup>16</sup>See Cable, Headquarters to C 7 January 1972, Director 219136, OUT 219436, (S), and Cable, C to Headquarters, 12 January 1972, C 15294, IN 511536, (S), both in Waldheim, File 201-0896881, DO Records. (S)

<sup>17</sup>Cable, C to Headquarters, 17 January 1972, C 14703, IN 514652, (S). For clarification about Station's use of "gay," see Cable, DO/ C to C 20 January 1972, C 20910, IN 518332, (S), and Cable, C to DO/ C 21 January 1972, C 14748, IN 518954, (S), all in Waldheim, File 201-0896881, DO Records. (S)

<sup>18</sup>Waldheim's 201 file contains no information to indicate that the US government had any intelligence interest in Waldheim prior to his rise to the top at the United Nations. Likewise, the CIA also has a 1951 master index card list of sources belonging to the 430<sup>th</sup> Counter Intelligence Corps Detachment in Austria. Waldheim's name does not appear in the alphabetical section of this list. (S)

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Waldheim, Stephen J. Solarz, a New York Democratic congressman, wrote to Waldheim and to DCI Adm. Stansfield Turner in late 1980 asking several questions to clarify the secretary general's record.<sup>19</sup> On the last day of 1980, Frederick P. Hitz of CIA's Office of Legislative Counsel replied to Solarz, "we believe that Waldheim was not a member of the Nazi Youth Movement, nor was he involved in anti-Jewish activities." Hitz then provided Solarz with a brief synopsis of Waldheim's military record, commenting that he entered the German army at the age of 20 in 1939. Following service as a staff officer with the 45th Infantry Division in Poland and France, Waldheim's "service with this Division ended in 1941 when he received a leg wound" in the Soviet Union. After a lengthy recovery, the Agency told Solarz that the German army discharged Waldheim to return to law school in Vienna. Waldheim received his degree in 1944 and entered the Foreign Ministry in 1945. The Agency could not find any indications that Waldheim had "participated directly or indirectly in anti-Jewish activities."<sup>20</sup> (U)

In 1980, after informing the congressman what it knew about Waldheim's military and civilian careers, the CIA did not follow up on fresh reports received in 1981 that raised new questions about his whereabouts between 1941 to 1945. A source provided a

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<sup>19</sup>Waldheim's 19 December 1980 reply to Solarz is located in Waldheim's 201 file. Solarz's letter to the DCI, however, is not in the file. For details about this correspondence, see Shirley Hazzard, *Countenance of Truth: The United Nations and the Waldheim Case* (New York: Viking, 1990). (U)

<sup>20</sup>See Hitz to Solarz, 31 December 1980, OLC 80-2248/a, in Waldheim, File 201-0896881, DO Records. Hitz's letter, signed by [redacted] had been based upon research conducted by [redacted]. See also [redacted] Memorandum for the Record, "Inquiry Concerning UN Secretary General Waldheim," 9 March 1981, in Waldheim, File 201-0896881, DO Records. (S)

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letter from a West German publisher that claimed that Waldheim served as an "aid[e]" to a German general on the Eastern Front who commanded a unit of Russian Cossacks fighting for the Third Reich. An additional report stated that Waldheim commanded a special unit behind Soviet lines and that the Russians had captured him. According to this source, the Soviets released Waldheim while they executed other German officers for war crimes. Consequently, "Waldheim has never forgotten what the Soviets had done for him, and this would explain his lenience toward the USSR."<sup>21</sup> (S)

Headquarters, however, dismissed these reports and reiterated its faith in Waldheim's standard biography. In a message from Washington to various stations, the Agency commented, "the fact that Waldheim has enjoyed a public career of some 35 years without having been 'exposed' in the past through any associations with the Nazis, suggests that such allegations have no basis."<sup>22</sup> The Agency's understanding of Waldheim's military activities sufficed until early 1986, when his murky web unraveled. The World Jewish Congress (WJC) and the *New York Times*, responding to press reports and political gossip in Austria about Waldheim, delved deeper into captured German records at the National Archives and quickly uncovered the truth. (S)

<sup>21</sup>Deferred Telepouch, DCD/ [ ] to Washington, "Information on Secretary General of UN," 8 December 1981, DCD/ [ ] 14264, (S), in Waldheim, File 201-0896881, DO Records. (S)

<sup>22</sup>Deferred Telepouch, EUR/SAR to DCD, [ ] to Washington, "Information on Secretary General Waldheim," 23 December 1981, [ ] 103304, (S), in Waldheim, File 201-0896881, DO Records. (S)

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### Incompetent at Best, Indifferent at Worst? (U)

Between 1986 and 1989, at least five separate investigations by the World Jewish Congress, the Office of Special Investigations, the Austrian Government, the British Government, and by an independent panel of military historians, revealed that Waldheim's military service had been far more extensive than he had led the world to believe. As a result of the Department of Justice's investigation, the Attorney General announced in 1987 that he had placed Kurt Waldheim's name on the immigration "watch list." This action barred Austria's president from visiting the United States because, according to the definition in the Nazi War Crimes Disclosure Act, he had "assisted, or otherwise participated in the persecution . . . of person[s] because of race, religion, national origin or political opinion." The OSI investigation specifically cited Waldheim's participation in the transfer of civilians to the SS for slave labor; the mass deportation of civilians to death camps; the utilization of anti-Semitic propaganda; the mistreatment and execution of Allied prisoners of war; and the reprisal execution of civilians as the basis for the Attorney General's ruling.<sup>23</sup> (U)

The extent of Waldheim's service in the German army in the Balkans became abundantly clear after these investigations, yet questions lingered as to how he avoided detection for so many years. Hitz's letter to Rep. Solarz in December 1980, essentially

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<sup>23</sup>A summary of OSI case against Waldheim is found in US Department of Justice, Criminal Division, *In the Matter of Kurt Waldheim* (Washington, DC: US Department of Justice, 1987), pp. 1-3 (hereafter cited as the Waldheim Report). Prepared in April 1987, OSI did not release the report until 1994. (U)

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exonerating Waldheim, created the impression that the Agency sought to protect the Austrian diplomat. Solarz, testifying at a Congressional hearing in 1986, blasted the CIA's response because "it looked as if it had come off Mr. Waldheim's xerox machine. Their investigation," Solarz declared, "was incompetent at best and indifferent at worst."<sup>24</sup> (U)

New information added to the confusion about Waldheim's relationship to the Americans. The US Army, in fact, had submitted Waldheim's name to the Central Registry of War Criminals and Security Suspects (CROWCASS) while the United Nations War Crimes Commission (UNWWC) had indicted him for murder at the insistence of the Yugoslavs in 1948, but again it was uncertain how Waldheim evaded these charges. Waldheim's tale became even more intriguing when Karl Gruber, Austria's first postwar Foreign Minister, acknowledged that Fritz Molden, an Austrian who worked for OSS and later married the daughter of DCI Allen Dulles, had first proposed that the young Austrian lawyer join the diplomatic corps only months after the war's end.<sup>25</sup> Molden furthermore claimed that he had appointed Waldheim to this new post not only after checking with Austrian officials as to Waldheim's Nazi record, but also after checking with American occupation authorities, including the Army's CIC and

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<sup>24</sup>US Congress. House. Subcommittee on Human Rights and International Organizations of the Committee on Foreign Relations. *Allegations Concerning Dr. Kurt Waldheim*. 99th Cong., 2nd sess., 22 April 1986, p. 5. (U)

<sup>25</sup>Gruber testified in the US Congress as to his relationship with Waldheim. See *Ibid*, p. 36-37, and Rosenbaum, *Betrayal*, pp. 174-175. (U)

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OSS.<sup>26</sup> Further examinations of Waldheim's postwar actions indicated that he had supported the Yugoslavs and the Soviets on a number of issues. All of this information lent credence to suspicions that more than one nation wanted to protect Waldheim. (U)

### **A Ghost from the Past: The SIME Report (U)**

In the midst of the mounting scandal, the Agency compounded its December 1980 letter to Solarz with an unfortunate series of blunders. After the scandal broke, Congressional figures demanded that the CIA provide answers to the allegations facing Waldheim. Lee H. Hamilton, chairman of the House Permanent Select Committee on Intelligence (HPSCI), Rep. Solarz, and Sen. D'Amato all asked for full access to the Agency's holdings.<sup>27</sup> The Agency's response was rather perfunctory and simply reiterated the known "facts" in its Congressional correspondence and in briefings to both

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<sup>26</sup>Molden's account can be found in the Austrian government's "White Book," which also examined Waldheim's wartime service and rebutted accusations that he was a war criminal. See *Kurt Waldheim's Wartime Years—A Documentation* (Vienna: Carl Gerold's Sohn, 1987). (U)

<sup>27</sup>Hamilton to Casey, 24 March 1986; Solarz to Director, Office of General Counsel, 27 March 1986, OGC 86-01340; D'Amato to Casey, 10 April 1986, ER 86-1625X; all in Waldheim, File 201-0896881, DO Records. (U)

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oversight committees in Congress.<sup>28</sup> In one case, the CIA even relegated Solarz's request for information to the channels of the Agency's Freedom of Information Act office.<sup>29</sup> (U)

The Agency initially had little new information based on reviews of its 201 file. Checks on Waldheim in 1972 had been limited to the Berlin Documents Center and not other archives in the West.<sup>30</sup> As Congressional interest in Waldheim mounted, the CIA undertook an expanded search, locating several additional documents not located in his 201 file that contained references to a Waldheim.<sup>31</sup> At first, the Agency could not ascertain whether they referred to Kurt Waldheim or another person with the same last name. One document, in particular, quickly drew Congressional interest and later media attention. A British intelligence brief from 26 April 1945, known as Security Intelligence Middle East (S.I.M.E.) Report Number 4, contained the interrogation of Hans Jurgen Kirchner, a captured German intelligence officer. In the report, Kirchner described some

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<sup>28</sup>For examples, see "HPSCI Chairman Hamilton's and Congressman Solarz Request for Information on Kurt Waldheim," 25 April 1986, (S); David D. Gries, Director of Congressional Affairs to Hamilton, 25 April 1986, OCA 86-1361(S); Gries to D'Amato, 29 April 1986, OCA 86-1394; [redacted] Deputy Director for Senate Affairs to Bernard McMahon, Staff Director, Senate Select Committee on Intelligence, 28 April 1986, OCA 86-1378, (S); and Gries to Solarz, 1 May 1986, OCA 86-1425, (S), all in Waldheim, File 201-0896881, DO Records. (S)

<sup>29</sup>See Solarz to [redacted] Freedom of Information Act Officer, 8 April 1986, F86-0431, and Gries to Solarz, 1 May 1986, OCA 86-1425, (S), both in Waldheim, File 201-0896881, DO Records. (S)

<sup>30</sup>The CIA explained how it conducted its search in 1972 in a letter to Solarz. See John L. Helgeson, Director of Congressional Affairs to Solarz, 3 June 1988, OCA 88-1735, in Waldheim, File 201-0896881, DO Records. (U)

<sup>31</sup>[redacted] Chief, Operations Group to [redacted] EPS/LG, "Waldheim, Kurt," 25 April 1986, DOR-02215, (S), in Waldheim, File 201-0896881, DO Records. (S)

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238 German intelligence personnel stationed in the Balkans and elsewhere in Europe.<sup>32</sup>

(C)

The British provided this report to the Americans at some point at the end of the war, and it was filed at OSS Headquarters in Washington and later transferred to the new CIA in 1947. An altogether unremarkable document, the S.I.M.E. report made a short reference on page 47 to *Oberleutnant* Waldheim. Kirchner briefly described Waldheim as a "subordinate officer to WARNSTORFF in SALONIKA" while also providing some general physical characteristics, such as his height, age, hair and eye color. Immediately below the Waldheim entry is a similar, although slightly more detailed, description of *Oberstleutnant* Warnstorff. The S.I.M.E. report sat in the CIA's files for decades after the war, and it was not cross-referenced or placed in Waldheim's 201 file when it was opened in 1972. Likewise, the Agency did not transfer the S.I.M.E. report with the bulk of its OSS holdings to the National Archives in the 1980s because of its British origins. Thus, the document came to light in 1986 only after the Agency undertook a review of its holdings as a result of worldwide interest in Waldheim. (C)

In 1986, the Agency provided sufficient detail about the report's contents to Congressional inquiries, but it refused to release the report in its entirety to FOIA requesters. The Agency explained that it could not declassify the report because Executive Order 12356 and US Code 403 (g) of the Central Intelligence Agency Act of

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<sup>32</sup>S.I.M.E. Report No. 4, 26 April 1945, originally filed as XARZ-8307 in Rome-X-2-PTS-113, XARX-8307, (S), is now found in Waldheim, File 201-0896881, DO Records. (S)

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1949 required it to protect foreign government information in addition to protecting sources and methods.<sup>33</sup> (C)


Congressman Solarz, apprised of the report's general contents in 1986, demanded a year later that the Agency release the document to the public. "I find this information," Solarz declared, "both surprising and distressing in light of the assurances given me in 1980 that no such reporting existed."<sup>34</sup> In late 1987, David D. Gries, director of the Office of Congressional Affairs, told Solarz that "the 1945 document [the S.I.M.E. report] you cite is not relevant, nor does it speak to your concerns. By way of explanation, we did have the reference to an Oberleutnant Waldheim when we responded to your 1980 request. However," Gries admitted, "at that time, all other available information placed Kurt Waldheim in a civilian capacity in 1945 after being wounded in 1942. The one incomplete reference, which was extracted in our 1986 letter to you, was not adequate evidence to contradict all other known information on the then Secretary General, and so our 1980 letter to you did not mention it."<sup>35</sup> (S)

By 1987, the existence of the 1945 report had become common knowledge because the Agency also refused to release it to the World Jewish Congress. In an effort

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<sup>33</sup>The Agency refused to release the report in response to a FOIA request by the World Jewish Congress. See Lee S. Strickland, Information and Privacy Coordinator to Eli M. Rosenbaum, World Jewish Congress, 9 June 1987, in Waldheim, File 201-0896881, DO Records. (U)

<sup>34</sup>Solarz to the DCI, 23 October 1987, ER 87-4677x, in Waldheim, File 201-0896881, DO Records. (U)

<sup>35</sup>Gries to Solarz, 16 November 1987, OCA 87-5713. For background material to Gries's reply, see  to Chief, EUR Division, "Congressman Solarz's Request for Information on Kurt Waldheim," [undated], (S), both in Waldheim, File 201-0896881, DO Records. (S)

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to bolster Waldheim's case, the Austrian Embassy in Washington telephoned the Central Intelligence Agency in October 1987 and asked that the Americans provide a copy of the report.<sup>36</sup> "The Embassy," Lee S. Strickland, the Agency's Information and Privacy Coordinator recalled, "was highly concerned about the recent spate of news articles which have variously, but all erroneously, stated that the CIA knew Kurt Waldheim was involved in Nazi activities and/or was an agent of American intelligence." After a lengthy discussion, Strickland convinced Christian Prosel, the Austrian counselor, that his government should make a formal request through their ambassador or liaison officer.<sup>37</sup> The following day, the Austrian embassy passed a note to the State Department, expressing its desire to receive a full or redacted copy of the report.<sup>38</sup> (U)

The official Austrian request presented a new problem for the Agency because it still had an obligation to protect intelligence provided by a foreign government from dissemination to another foreign power. The Agency consequently approached its British counterparts with an unusual request: could the United States provide the Austrians with a copy of the report pertaining to Waldheim and his superior officer? After a week of deliberations, the British Government agreed to release that portion of the 1945 S.I.M.E. report with its brief references to Waldheim and Warnstorff. The Americans, however,

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<sup>36</sup>"Austria Seeks Waldheim File," *Washington Post*, 21 October 1987, p. A30. (U)

<sup>37</sup>Lee S. Strickland, Privacy and Information Coordinator to DDA et al, "Inquiry from Embassy of Austria," 21 October 1987, (S), in Waldheim, File 201-0896881, DO Records. The Austrians probably reacted to American press accounts, such as "New Links to a Nazi Past?" in *Newsweek*, 5 October 1987, p. 9. (S)

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could only pass this information to the Austrians with the express indication that the material still retained its secret classification and that it came only from "an allied government."<sup>39</sup> In early November 1987, the CIA passed the sanitized section to the State Department for transfer to the Austrian Government.<sup>40</sup> (S)

### Steady Criticism (U)

Waldheim dismissed the S.I.M.E. report after the Austrian Government received the sanitized portion. An independent panel of military historians looking into Waldheim's role also had little use for it.<sup>41</sup> Despite its overall insignificance, the British press seized upon the 1945 report and suggested that Her Majesty's Government refused to support the Nazi war criminal investigations. A Reuters dispatch quoted an unnamed source that "the United States cannot, in accordance with its agreement with the British, release the document without British permission."<sup>42</sup> Indeed, the British had apparently lost the S.I.M.E. report in the years after the war, and the copy in the CIA's files turned

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<sup>38</sup> Austrian Embassy, Verbal Note, 22 October 1987, in Waldheim, File 201-0896881, DO Records. (S)

<sup>39</sup> [ ] Chief, EUR Division to Strickland, "Release of Information," 30 October 1987, (S), in Waldheim, File 201-0896881, DO Records. (S)

<sup>40</sup> Strickland to Ambassador Rozanne L. Ridgway, Assistant Secretary of State for European and Canadian Affairs, 5 November 1987, (S), in Waldheim, File 201-0896881, DO Records. The Austrian Government used the S.I.M.E. Report as a part of its "White Book" on Waldheim. See *Kurt Waldheim's Wartime Years: A Documentation*. (S)

<sup>41</sup> International Commission of Historians, *The Waldheim Report* (Copenhagen: Museum Tusculaneum Press, 1993). (U)

<sup>42</sup> Arthur Spiegelman, "British Blocking CIA from Releasing Waldheim Document," Reuters, 2 March 1988. (U)

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out to be the only surviving example. In 1988, the Directorate of Operations expressed its overall willingness to release the entire report provided that American markings were removed. The British, however, preferred to "hold firm to principle of not releasing any intel docs, no matter how old or innocent."<sup>43</sup> (S)

With its hands tied by the British, the CIA absorbed a steady stream of criticism over the years. Congressman Solarz demanded that the Agency reveal the contents of the 1945 report and inform him if the OSS had conducted any interrogations of Waldheim.<sup>44</sup> In 1989, the British Government cleared Waldheim of any role in the deaths of British military personnel captured in Greece and the Greek Islands in 1943-44.<sup>45</sup> In an official report published by the British Government late that year, the British released a sanitized version of the 1945 S.I.M.E. report.<sup>46</sup> The British, however, neglected to inform the

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<sup>43</sup>Cable, Headquarters to C-3, "Press Reports on Kurt Waldheim," 1 March 1988, Director 928535, (S), in Waldheim, File 201-0896881, DO Records. Few days later, Headquarters informed C-3 that "British FCO and MOD are now inclined to quote from and possibly even release 26 Apr 45 S.I.M.E. document as part of Commando investigation and to counter increasingly fantastic press claims as to its content." The Agency told the British that "we cannot strongly object to British release, and that copy being released can even be sourced to USG (or if necessary [CIA]) archives since [CIA] has already surfaced in the press as holder of doc." See Cable, Headquarters to C-3, "Waldheim Reports/Document," 5 March 1988, Director 937491, (S), in Waldheim, File 201-0896881, DO Records. (S)

<sup>44</sup>Solarz to DCI, 3 May 1988, ER 88-1931x, and Helgeson to Solarz, 8 June 1988, OCA 88-1735, both in Waldheim, File 201-0896881, DO Records. (U)

<sup>45</sup>See Michael Evans, "Waldheim 'Not Linked to Shooting of Britons,'" *The Times* (London), 11 October 1989, p. 24; Michael Evans, "MoD Report Clears Waldheim of Blame over War Murders," *The Times* (London), 18 October 1989, p. 8. (U)

<sup>46</sup>Ministry of Defence, *Review of the Results of Investigations Carried Out by the Ministry of Defence in 1986 into the fate of British Servicemen Captured in Greece and the Greek Islands between October 1943 and October 1944 and the Involvement, If Any, of the Then Lieutenant Waldheim* (London: Her Majesty's Stationery Office, 1989). (U)

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Central Intelligence Agency of this release at that time. Consequently, the Agency continued to withhold the British World War II report until it was finally declassified in 2001. By this time, British intelligence officials had no interest in the S.I.M.E. report and expressed surprise that the CIA had kept it under wraps for so long. (U)

The British 1989 report on Waldheim brought about a wave of fresh criticism against the CIA. In November of that year, A.M. Rosenthal, a columnist in the *New York Times*, recited the story of CIA's 1972 check on the new Secretary General, the Agency's letter to Congressman Solarz in 1980, and the saga of the 1945 British report. Rosenthal quoted Robert E. Herzstein, a University of South Carolina historian and author of a newly published book on Waldheim, who asserted, "now there is proof that the CIA investigated Waldheim, cleared him, declared him to be of operational interest and shielded him. It did so while having in its files at least one document placing Dr. Waldheim in the Balkans, a fact which if published would have unveiled a 30-year coverup." Rosenthal, citing Herzstein's research, urged Congress to open the Agency's Waldheim file, "or what remains of it," to determine whether the former UN secretary general was an American "operational asset."<sup>47</sup> (U)

A week later, the World Jewish Congress unveiled its copy of the S.I.M.E. report obtained from "contacts in Europe." "What you have here," Elan Steinberg, the WJC's executive director declared, "is the CIA not only confirming Waldheim's big lie, which is

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to say his coverup, but a document showing that the CIA knew and, in fact, has known for 40 years that that was a big lie." The World Jewish Congress maintained that the Agency knew about Waldheim's "secret" past even as he was confirmed as UN secretary general in 1971 and later as it responded to Solarz's inquiry.<sup>48</sup> (U)

The reaction to the WJC's release was immediate. In an article entitled "CIA Held File on Waldheim War Role," the *Washington Post* claimed that an unidentified US Government source had confirmed that the document obtained by the WJC was genuine and had been in CIA's files. An Agency spokesman, however, offered no comment and simply replied, "it will take time to investigate this." The *Post* also quoted Prof. Herzstein about why the CIA had this document, but had not reported on Waldheim's military service in the Balkans. "I have to assume there was a pattern of protection," said Herzstein. "It is conceivable that Waldheim could have been an agent of influence or a source of information about KGB influence in the UN secretariat." Herzstein claimed that the Agency's failure to reveal the existence of the British report was the result of "incompetence or a pattern of protection."<sup>49</sup> (U)

### The Decade of the Nazi War Criminal (U)

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<sup>47</sup>A.M. Rosenthal, "The Waldheim File," *New York Times*, 24 November 1989, p. A35. Herzstein presents his case in his book, *Waldheim: The Missing Years* (New York: Arbor House/William Morrow, 1988). (U)

<sup>48</sup>Dennis Hevesi, "CIA Document Said to Contradict Waldheim," *New York Times*, 30 November 1989, p. A13. (U)

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As the 1980s came to a close, the world had witnessed a crescendo of major Nazi war criminal investigations, including Klaus Barbie, Josef Mengele, and Kurt Waldheim. The CIA was badly hurt by the Waldheim investigations after 1986. The Agency's missteps were compounded by its cursory background check on the new UN secretary general in 1972 and its stubbornness to declassify relevant documents, such as the 1945 British intelligence report. These would come back to haunt the Agency. (U)

The major Nazi war criminal investigations of the 1980s provided gist for speculation about the Agency's role since World War II. The investigations by the GAO and OSI failed to dampen suspicions about the CIA; on the contrary, they spurred further criticism and new demands to "open the files." With the fall of the Berlin Wall in 1989 and the collapse of the Soviet Union two years later, these calls grew louder. The Agency found itself pressed to explain its relationships with Nazi war criminals. The end of the Cold War opened a new chapter in the Agency's involvement in the Nazi war criminal investigations, by now the longest external examination of the Central Intelligence Agency. (U)

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<sup>49</sup>Arthur Spiegelman, "CIA Held File on Waldheim War Role: Record Names Former UN Leader as German Intelligence Liaison," *Washington Post*, 30 November 1989, p. A51. (U)

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CENTRAL INTELLIGENCE AGENCY  
SOURCES METHODS EXEMPTION 3B2B  
NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2004 2006

## Chapter Seven

### From the End of the Cold War to the Nazi War Crimes Disclosure Act (U)

The collapse of the Soviet Union and the end of the Cold War marked the biggest development in the Nazi war criminal investigations since the Nuremberg trials. For the first time since the end of World War II, tensions between East and West no longer complicated the pursuit of justice. As a result, the scope of the investigations dramatically increased. Neal M. Sher, who succeeded Allan A. Ryan, Jr., as the director of the Office of Special Investigations in 1983, declared ten years later, "people expected this office would have been out of work years ago, but we're busier now than we've ever been."<sup>1</sup> (U)

As the former Warsaw Pact countries experienced the first taste of democracy, US investigators gained entree into many of the Russian and other Eastern European archives that had never been accessible. The records provided bountiful new leads on Eastern European war criminals, who had committed atrocities and later had immigrated to the United States.<sup>2</sup> By 1999, OSI's investigations had resulted in the denaturalization of 63 individuals, and the deportation of 52 war criminals from the United States. The

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<sup>1</sup>Michael Isikoff, "Nazi-Hunting Office is Busier than Ever," *Washington Post*, 3 May 1993, p. A17. (U)

<sup>2</sup>Jane Mayer, "With Cold War Over, More Escaped Nazis Face US Deportation," *Wall Street Journal*, 16 April 1991, pp. A1 and A4. The opening of the STASI files in East Germany is also a bonanza for war criminal investigators. See Michael Shields, Reuters, "East German Files Cast Light on Nazi War Criminals," 1 May 1996. (U)

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Department of Justice's "watch list" had also prevented the entry of 150 suspected Nazis at American ports. (U)

Public interest in the Nazi war criminal investigations experienced a worldwide rejuvenation with the commemoration of the 50th anniversary of World War II. In the United States, the opening of the US Holocaust Memorial Museum in 1993 told the horrors of the Third Reich to a new generation, and the museum quickly became one of Washington's most popular tourist sites.<sup>3</sup> The prospects of "ethnic cleansing" in the Balkans and elsewhere raised painful memories of how the world had failed to stop the Nazis before the outbreak of world war. As the 20<sup>th</sup> century came to a close, students of the Holocaust as well as the surviving victims themselves grew concerned that the lessons of mass murder were being lost. As the Holocaust survivors died in increasing numbers, the Jewish community grappled with the need to obtain a final accounting of the material losses while fighting to preserve the memory of the Holocaust.<sup>4</sup> (U)

### Confronting Painful Pasts (U)

In the United States, the Nazi war criminal investigations took some unusual twists in the early 1990s. The past now came back to haunt the children of the DP generation that came to America in the 1940s and 1950s. President Bill Clinton discovered this in the summer of 1993 when he nominated Army Gen. John Shalikashvili

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<sup>3</sup>In addition, the Holocaust Museum offered scholars a first-rate library and research institution with records collected from countries throughout the world. The museum promised to spark renewed historical interest in the World War II period. See Sybil Milton, "Re-Examining Scholarship on the Holocaust," *The Chronicle of Higher Education*, 21 April 1993, p. A52.

<sup>4</sup>Marc Fisher, "Fragments of Memory," *Washington Post*, 7 April 1998, pp. D1 and D2. (U)

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for the position of chairman of the Joint Chiefs of Staff. Shortly after Clinton hailed Shalikashvili's rise to the nation's highest military rank from his humble immigrant background, the Simon Wiesenthal Center announced that the general's father had actually been an officer in a Georgian Waffen SS unit. Captured by the British at the end of the war, the Shalikashvili family moved to the United States in the early 1950s.<sup>5</sup> The appointment, one columnist wrote, made it appear that "the Clinton administration or the Pentagon—or both—have combined the smug arrogance of the ignorant with an attempt to repackage a Nazi into a political refugee." Columnist Richard Cohen protested, "the apparently purposeful recasting of the elder Shalikashvili from a Nazi soldier to a war refugee just to make a better Rose Garden ceremony is an insult to the victims of Nazism and shows contempt for the American people."<sup>6</sup> (U)

### OSI Prosecutions in the 1990s: Aleksandras Lileikas (U)

In September 1994, OSI filed suit against Aleksandras Lileikas for commanding the Vilnius province element of the Lithuanian Security Police, known as the *Saugumas*, which had participated in the roundup and murder of thousands of Jews. While OSI initially reviewed Lileikas's DO file in 1983, it took 11 years for the Department of Justice to take the case to court until it located corroborating evidence in newly opened files in Eastern Europe. Lileikas, while still in Germany, had worked briefly for CIA

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<sup>5</sup>Thomas W. Lippman, "Pentagon Nominee's Father Served as Nazi SS Officer," *Washington Post*, 28 August 1993, pp. A1 and A14. (U)

<sup>6</sup>Richard Cohen, "Gen. Shalikashvili's Father," *Washington Post*, 31 August 1993, p. A19; Andrew Borowiec, "Elder Shalikashvili's Situation Not Unique," *Washington Times*, 31 August 1993, pp. A1 and A8. (U)

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during the 1950s. A U.S. federal court stripped him of his American citizenship in 1996, but he fled to Lithuania before American immigration authorities could deport him.<sup>7</sup> (U)

### OSI Prosecutions in the 1990's: The Demjanjuk Debacle (U)

No case has besmirched the prestige of the Office of Special Investigations more than its prosecution of John Demjanjuk. While OSI filed its largest number of suits in 1992, the Demjanjuk case cast a dark shadow over the entire Nazi war criminal investigations. Eleven years earlier, OSI stripped John Demjanjuk, a Ukrainian-born autoworker in Cleveland, of his citizenship for lying on his immigration application and his petition for naturalization. In one of its most important cases involving a Nazi war criminal, the Federal government claimed that Demjanjuk was the infamous "Ivan the Terrible" at the Treblinka concentration camp. In 1986, the United States extradited Demjanjuk to Israel to stand trial for these crimes. An Israeli court, indeed, determined that Demjanjuk had participated in war crimes and sentenced him to death. The Israeli Supreme Court, however, felt that there was reasonable doubt whether Demjanjuk was "Ivan the Terrible," although it agreed that he had served as a guard at another concentration camp. After much debate, Israel released Demjanjuk in September 1993

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<sup>7</sup>Pierre Thomas, "US Seeks to Deport Immigrant, 87, For Role in Deaths of Lithuanian Jews," *Washington Post*, 22 September 1994, p. A3; Kevin C. Ruffner, CIA History Staff to J. Kenneth McDonald, "Aleksandras Lileikis," 26 September 1994, (S), in DCI/HS Records, Nazi war criminal files. "Accused of Aiding Nazis, Man Returns to Lithuania," *New York Times*, 20 June 1996, p. A7; Judy Rakowsky, "Alleged Collaborator is Called Hero in Lithuania," *Boston Globe*, 12 November 1996, p. B3. (S)

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and returned him to the United States.<sup>8</sup> In 1998, Demjanjuk regained his American citizenship. (U)

Public pressure forced the United States Government to review the Demjanjuk case. In 1992, the 6th US Circuit Court of Appeals in Cincinnati launched an investigation into the handling of the case to determine whether there had been any misconduct on the part of OSI in its prosecution of the Ukrainian immigrant. The court questioned several former OSI attorneys, exposing differing opinions about the evidence used to convict Demjanjuk.<sup>9</sup> In June 1993, Judge Thomas A. Wiseman, Jr., declared that OSI's behavior had been "reckless" in not providing evidence that appeared to contradict the Government's case. But Judge Wiseman found the evidence did not disprove the case as the Office of Special Investigations had presented it. Thus, Wiseman held that OSI had not engaged in any prosecutorial misconduct. A second panel of judges from the same circuit court, however, then took up the case and reached a different conclusion. Chaired by Senior Judge Pierce Lively, the three-judge panel declared that the Office of Special Investigators, in particular its former director, Allan A. Ryan, Jr., and Norman

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<sup>8</sup>Numerous articles and books have been written on the Demjanjuk case. For some contemporary accounts, see Edward Walsh, "Protests Greet Demjanjuk's Return After Seven Years," *Washington Post*, 23 September 1993, p. A3. (U)

<sup>9</sup>See Sharon LaFraniere, "Ex-Prosecutor: Demjanjuk was Not 'Ivan the Terrible,'" *Washington Post*, 13 November 1992, pp. A1 and A22; Ronald Smothers, "Lawyer Recalls No Doubt on Nazi Guard," *New York Times*, 15 January 1993, p. A11; and David Johnston, "Doubt Cast on Identification of Nazi Guard 'Ivan,'" *New York Times*, 1 July 1993, pp. A1 and A14. (U)

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Moscowitz, had suppressed contravening evidence about Demjanjuk and bowed to pressure from Jewish interest groups anxious for a successful case.<sup>10</sup> (U)

The decision badly damaged the reputation of the Office of Special Investigations and prompted Attorney General Janet Reno to review the ethical standards of the Office's attorneys.<sup>11</sup> In February 1994, Neal M. Sher, director of OSI, announced his resignation to accept the executive directorship of the American Israel Public Affairs Committee.<sup>12</sup> After a lengthy interim period, Eli M. Rosenbaum, the WJC's lead investigator during the Waldheim affair and a former OSI attorney, assumed the helm at OSI in 1995. (U)

Despite the setbacks, OSI pressed with a new case against Demjanjuk. In May 1994, OSI asked the Supreme Court to throw out the appeals court ruling. In a brief signed by Solicitor General Drew S. Days III, the Justice Department sought to vindicate the OSI prosecutors and their efforts to strip Demjanjuk of his American citizenship. The Office of Special Investigations contended that its lawyers had acted in good faith to deport Demjanjuk. Their lapses in providing certain documents pertinent to the case did not constitute "egregious and deliberate misconduct, such as bribery of a judge or

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<sup>10</sup>Stephen Labaton, "Judges Assail US Handling of Demjanjuk," *New York Times*, 18 November 1993, pp. A1 and B20. (U)

<sup>11</sup>Michael Hedges, "Nazi-Hunting OSI Criticized Before, Reno Admits as Probe Continues," *Washington Times*, 7 February 1994, p. A8. (U)

<sup>12</sup>Stephen Labaton, "At the Bar: A Successful Prosecutor of War Criminals May Be Remembered for the Case that Fell Apart," *New York Times*, 27 August 1993, p. A21, and Michael Weisskopf, "Justice Official Named to Head Pro-Israel PAC," *Washington Post*, 11 February 1994, p. A23. (U)

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fabrication of evidence" that is normally cited as fraudulent behavior before the courts.<sup>13</sup>

(U)

In 1999, OSI reopened the case when it filed suit against Demjanjuk whom it alleged had served as a guard at several concentration camps.<sup>14</sup> The Demjanjuk trial opened in Cleveland in May 2001 as both the prosecution and the defense grappled over the use of decades-old documents in what the defense attorney called a "trial by archive."<sup>15</sup> In February 2002, Judge Paul R. Matia ruled that the Justice Department had proven that Demjanjuk had knowingly misrepresented his past when he arrived in the United States in 1952 with "clear, convincing, and unequivocal evidence." Demjanjuk, in Matia's opinion, had "not given the court any credible evidence of where he was during most of World War II."<sup>16</sup> (U)

### The Search for Restitution (U)

The plight of Holocaust victims in the former Soviet Union and in Eastern Europe attracted the attention of Jewish groups in the West, who mounted a vigorous campaign to aid these forgotten victims. Since the 1950s, West Germany had paid compensation to

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<sup>13</sup>Joan Biskupic, "US Challenges Fraud Ruling in Demjanjuk Case," *Washington Post*, 25 May 1994, p. A15. (U)

<sup>14</sup>David Johnston, "Nazi Death Camp Case Reopened by US," *New York Times*, 20 May 1999, p. A20. (U)

<sup>15</sup>Jerry Seper, "Justice Targets Man, 81, Again," *Washington Times*, 29 May 2001, p. A6; Associated Press, "Government Tries Demjanjuk Again," *Washington Times*, 30 May 2001, p. A7; Francis X. Clines, "US Again Prosecutes Man Cleared of Being Reviled Nazi," *New York Times*, 30 May 2001, p. A15; and Associated Press, "Witness Deems Documents about Demjanjuk Authentic," *Washington Times*, 31 May 2001, p. A7. (U)

<sup>16</sup>David Johnston, "Demjanjuk Loses Citizenship Again; Judge Cites Lies," *New York Times*, 22 February 2002, p. A16. (U)

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Jewish victims of the Holocaust, but survivors behind the Iron Curtain had received none of this money. By the 1990s, most of these men and women were now old and helpless. "The war has almost been consigned to ancient history," said Rabbi Andrew Baker, the director of European affairs for the American Jewish Committee. "So it's somewhat of a shock that you have not only living witnesses but people who have suffered and have yet to receive any kind of compensation."<sup>17</sup> (U)

In early 1996, Sen. Alfonse M. D'Amato of New York took up the issue of Jewish accounts in Switzerland. On 23 February, D'Amato wrote DCI John M. Deutch requesting the CIA's help to "achieve an authoritative, accurate and final accounting of all assets that numerous Swiss banks continue to hold from this time period and to which the survivors and rightful heirs are entitled." D'Amato also sought the Agency's help in locating the "reportedly great amounts of Nazi loot, including gold, art, and other treasures, that might have made their way to Switzerland, and perhaps into Swiss banks."<sup>18</sup> (U)

The allegations of Swiss complicity in hiding confiscated Jewish assets captured the world's imagination. In less than two years, as the *New York Times* wrote in 1997, Europe was "awash in information that nations which considered themselves neutral or even victims of the Nazis actually profited from the Holocaust. They trafficked in gold,

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<sup>17</sup>Rick Atkinson, "Slow to Redress," *Washington Post*, 26 May 1995, pp. A29 and A33. (U)

<sup>18</sup>D'Amato to Deutch, 23 February 1996, ER 96-1509, in CIA History Staff files. (U)

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strategic minerals, art and real estate. Newly opened archives reveal that others knew of the slaughter of Jews and stayed silent.”<sup>19</sup> (U)

A World Jewish Congress report in 1998, for example, estimated that Nazi Germany had seized between \$9 and 14 billion from the 20 different countries or regions that it had occupied between 1933 and 1945.<sup>20</sup> In 1996, Pres. Clinton ordered the Federal government to search its unclassified and classified holdings for information on the role of neutral countries during the war years. The two-year investigation, headed by Under Secretary of Commerce (later Under Secretary of State) Stuart E. Eizenstat, brought together 11 different Federal departments and agencies that reviewed some 15 million documents.<sup>21</sup> (U)

Eizenstat's investigations resulted in two reports, *US and Allied Efforts to recover and Restore Gold and Other Assets Stolen or Hidden by Germany during World War II, Preliminary Study*, and *US and Allied Wartime and Postwar Relations and Negotiations with Argentina, Portugal, Spain, Sweden, and Turkey on Looted Gold and German External Assets and US Concerns about the Fate of the Wartime Ustasha Treasury*, published by the State Department in May 1997 and June 1998, respectively. The reports marked the pinnacle of official American efforts to understand what happened during the war and afterward. Both studies discussed Project SAFEHAVEN, a wartime interagency

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<sup>19</sup>Tina Rosenberg, "Nazi Entanglements: Judging the Acts of Another Era," *New York Times*, 3 March 1997, p. A24. (U)

<sup>20</sup>US Congress, House. Committee on International Relations. *Heirless Property Issues of the Holocaust* (Washington, DC: Government Printing Office, 1998), pp. 71-101. (U)

<sup>21</sup>See Stuart E. Eizenstat, *Imperfect Justice: Looted Assets, Slave Labor, and the Unfinished Business of World War II* (New York: Public Affairs, 2003). (U)

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US project to identify Nazi Germany's sources of wealth and to neutralize its commercial and industrial strength. The Office of Strategic Services played a leading role in obtaining intelligence on Germany's activities and providing assessments. Decades later, the CIA's History Staff located primary sources in both OSS and CIA files and provided historical analysis for both Eizenstat reports.<sup>22</sup> (U)

In April 2000, Under Secretary Eizenstat briefed the Senate's Committee on Foreign Relations on American efforts to right the wrongs of the 1940s. His testimony demonstrated the wide-ranging steps that the Federal government undertook during the Clinton administration, resulting in a \$1.25 billion Swiss bank settlement; a \$5.1 billion German agreement to assist those men and women forced to work for German companies during the war; the restitution of stolen and looted art; the creation of the International Commission for Holocaust Era Insurance Claims; the declassification of US records on World War II; the return of religious and communal effects in Eastern Europe; the sponsorship of international efforts to spur Holocaust education; and the negotiations with Austria on slave labor. Eizenstat told the senators why the US Government had taken these unprecedented steps. "Our policy on Holocaust issues," he noted, "serves important US foreign policy interests, as well as helping individual American

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<sup>22</sup>See William Z. Slany, US Department of State, *US and Allied Efforts to Recover and Restore Gold and Other Assets Stolen or Hidden by Germany during World War II, Preliminary Study* (Washington, DC: Office of the Historian, 1997) and William Z. Slany, US Department of State, *US and Allied Wartime and Postwar Relations and Negotiations with Argentina, Portugal, Spain, Sweden, and Turkey on Looted Gold and German External Assets and US Concerns about the Fate of the Wartime Ustasha Treasury* (Washington, DC: Office of the Historian, 1998). See also Donald P. Steury, "Tracking Nazi 'Gold:' The OSS and Project SAFEHAVEN," *Studies in Intelligence* (Summer 2000, No. 9, Unclassified ed.). (U)

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citizens . . . . and helps in the removal of impediments to greater cooperation in Europe.”<sup>23</sup> (U)

### CIA’s Ongoing Participation in the Investigations (U)

The Central Intelligence Agency supported the Nazi war criminal investigations in the 1990s, mostly through routine name traces in the files of the Directorate of Operations and the Office of Security. The Office of General Counsel served as the conduit between the Agency and OSI, coordinating OSI reviews of CIA documents. The relationship between the two agencies proceeded smoothly with only minor disruptions. (U)

For the most part, OGC staff paralegals initiated name traces after receiving OSI requests. When the Agency’s components located documents pertaining to an individual, OGC then provided OSI with a summary of the Agency’s information. If OSI wanted to look at the records, the Department of Justice attorneys would then visit the Agency’s Headquarters to examine a sanitized file of the documents pertaining to the individual’s wartime activities. If the case actually proceeded to the litigation stage, OSI would then again meet with the Office of General Counsel to review the Agency’s entire holdings.

This meeting was held to ensure that neither OSI nor CIA encountered any later

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<sup>23</sup>US Congress, Senate. Committee on Foreign Relations. *The Legacies of the Holocaust* (Washington, DC: Government Printing Office, 2000), pp. 13-49. The US Government’s efforts had great impact. For example, the Vatican declared in February 2002 that it would open its secret archives related to Pope Pius XII as well as documents pertaining to the Church’s relationship with Nazi Germany. See Daniel Williams, “Vatican to Open Nazi-Era Archives,” *Washington Post*, 16 February 2002, p. B9, and Melinda Henneberger, “Vatican to Hold Off Releasing Pope Pius XII War Documents,” *New York Times*, 16 February 2002, p. A8. (U)

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difficulties or surprises. Representatives from the two agencies occasionally met to discuss the name trace procedures and improvements for overall operations. These meetings, held in 1989 and 1993, clarified general issues and introduced new personnel.<sup>24</sup> (U)

Between 1980 and 1995, the Central Intelligence Agency had conducted over 1000 name traces for the Office of Special Investigations. The Agency did the bulk of these name traces during the first five years of OSI's existence and it slowed after the first rush. During the 1990s, CIA handled an average of 30 name traces for OSI annually. The Agency's records systems provided a bonanza of information about numerous individuals of interest to OSI because they contained documents from the State Department, Immigration and Naturalization Service, the Displaced Persons Commission, the FBI, the Army, and the Air Force, in addition to CIA's own components. The DO's records systems, in particular, have been of value to the OSI investigations, although the system was not designed as a research or investigative tool. The Agency also retained control of an extensive collection of records from the Office of Strategic Services, the Strategic Services Unit, and the Central Intelligence Group that occasionally assisted OSI investigators. (U)

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<sup>24</sup> telephonic interview by Kevin C. Ruffner, Arlington, VA, 18 October 1996. See also Assistant General Counsel to John K. Russell, OSI, "Name Trace Requests," 23 June 1993, OGC 93-52098, enclosing draft 15 June 1993, "Letter of Understanding-OSI Name Trace Requests," in OGC Nazi War Criminal Working Files. These letters were never sent to OSI because the points of interest were discussed in a meeting between CIA and OSI at CIA Headquarters in August 1993. (S)

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The Office of Special Investigations turned to CIA as one of its first avenues for research to determine if allegations of war crimes had any merit. While the Agency's records do not normally provide conclusive evidence that an individual participated in a war crime, the records can offer extensive information about an individual's background or whereabouts. For a successful prosecution, OSI has to demonstrate that an individual provided false information to the US Government about his wartime activities when immigrating to this country or obtaining citizenship. The Agency's records, because they are readily retrievable and incorporate documents from a variety of sources, often contain valuable clues. In fact, OSI often preferred to examine the CIA's records as opposed to using files from the Immigration and Naturalization Service because the Agency's records were better organized and preserved. Lastly, the Agency's files indicate whether the CIA or another Federal agency, including the Army or the FBI, had an operational interest in a particular individual. Over the years, information of this nature had a bearing on a number of cases. (U)

While most of the name traces done by CIA over the years have located "no record," the CIA has occasionally found its old agents now sought by the Office of ~~Special Investigations~~. The Agency has always informed OSI when it possessed records on individuals who had worked for CIA, and the two agencies coordinated the presentation of this information in court. For the most part, the Agency prefers not to go to court with OSI unless absolutely necessary and then only to protect Agency "sources and methods." The Agency, to date, has never taken a stand in defense of a former agent

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seeking to avoid prosecution for misleading Federal officials regarding wartime activities. (U)

### The Nazi War Crimes Disclosure Act (U)

Kurt Waldheim remained a *persona non grata* in the United States as the twentieth century came to a close, but his case became an important catalyst for the Nazi War Crimes Disclosure Act.

In May 1994, *New York Times* editorialist A.M. Rosenthal took up his pen to muse about "the Waldheim file." Rosenthal continued to ask about Waldheim and how he had escaped his past for so many years. Rosenthal drew upon Professor Robert Herzstein's research to highlight the gaps in the public's knowledge of the Austrian politician (Waldheim had by this time completed his term as president and retired from all official duties.)<sup>25</sup> Herzstein maintained that Waldheim "was protected by the US Government, provided information in return for that protection, and profited from the Government's willingness to obliterate his wartime service."<sup>26</sup> (U)

Frustrated with the Agency's refusal to declassify its holdings on Waldheim, Rosenthal urged the US Congress to pass legislation "preventing Government agencies

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<sup>25</sup>After his 1988 book, Herzstein continued to research Waldheim's service in World War II and to speculate on his postwar activities. See Robert E. Herzstein, "The Life of Dr. Kurt Waldheim, 1938-1948: Sources in the National Archives," in George O. Kent, ed., *Historians and Archivists: Essays in Modern German History and Archival Policy* (Fairfax: George Mason University, 1991), pp. 287-297, and Herzstein, "The Present State of the Waldheim Affair: Second Thoughts and New Direction," in Bischof and Pelinka, eds., *Austrian Historical Memory and National Identity*, pp. 116-134. (U)

<sup>26</sup>A.M. Rosenthal, "The Waldheim File," *New York Times*, 24 May 1994, p. A19. (U)

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from denying information about World War II war crimes.”<sup>27</sup> Congresswoman Carolyn B. Maloney (D NY) quickly took up Rosenthal’s and Herzstein’s platform in a 12 July 1994 letter to her colleagues on Capitol Hill to push for a “War Crimes Disclosure Act.” Forwarding a copy of Rosenthal’s editorial, Maloney expressed shock that “the CIA withheld critical information about Kurt Waldheim’s Nazi past from the public.” She sought a cosponsor to close the loopholes in the Freedom of Information Act that allowed the Agency to withhold information about war criminals.<sup>28</sup> (U)

Maloney introduced her bill on 12 August 1994, and it was referred to three committees in the House of Representatives, but she lacked a companion bill in the Senate. The bill, cosponsored by six other congressmen, would amend the Freedom of Information Act and eliminate the Agency’s ability to claim any FOIA exemptions for Nazi war criminal information. The bill called for a minimum of exceptions to full disclosure of the identities of war criminals in the United States.<sup>29</sup> (U)

Within a week, A.M. Rosenthal informed the readers of the *New York Times* that Rep. Maloney had introduced a bill, drawing upon Rosenthal’s coverage of Herzstein’s

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<sup>27</sup>Ibid. Rosenthal’s editorial evoked an immediate reaction in the CIA and a search for information pertaining to the Austrian. See [ ] Office of the Director, Executive Secretariat, to SA/DDO, “Commentary on Newspaper,” 25 May 1994, (S), and [ ] Chief, External Inquiries Branch, IMS, to [ ] Office of the Director, Executive Secretariat, “Your Request dated 25 May 1994,” 26 May 1994, DOR-03886, (S), both in Waldheim, File 201-0896881, DO Records. (S)

<sup>28</sup>Carolyn B. Maloney, letter to colleagues, 12 July 1994, copy of the letter in CIA History Staff files. (U)

<sup>29</sup>For further details on the impact of the act and its wording, see [ ] Office of Congressional Affairs, to Director of Information Management, Information and Privacy Coordinator, Director of the Center for the Study of Intelligence, and Litigation Division, Office of General Counsel, “War Crimes Disclosure Act (H.R. 4955),” 23 August 1994, OCA 94-2161, (no classification listed), copy in CIA History Staff files. (U)

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research on Waldheim. "It is an overdue piece of legislation," Rosenthal wrote, "important to justice and history. The key to the Waldheim file is right there on the table, waiting for Congress to pick it up and use it."<sup>30</sup> (U)

Ms. Maloney's efforts culminated in success when President Bill Clinton signed the Nazi War Crimes Disclosure Act, Public Law 105-246, on 8 October 1998.<sup>31</sup> Earlier that summer, the House ratified the Senate bill calling for the disclosure of records related to Nazi war crimes and criminals. In addition, the Senate language, adopted into law, called for an interagency working group, or IWG, to facilitate the review and release of government records. The new law required all Federal agencies to

locate bodies of records that can reasonably be believed to contain information that: (1) pertains to any individuals who the US Government has grounds to believe ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion, during the period of Nazi rule in Germany (1933-45); or (2) involves assets taken, whether or not under the color of law, during that period from persons persecuted by the Nazi regime or governments associated with it. (U)

The Implementation Directive issued by the White House furthermore stated "agencies should take an expansive view of the act in making this survey and in the subsequent identification of records and declassification review. Special efforts should

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<sup>30</sup>A.M. Rosenthal, "The Waldheim Bill," *New York Times*, 19 August 1994, p. A27. (U)

<sup>31</sup>Public Law 105-246, "An Act to Amend Section 522 of Title 5, United States Code, and the National Security Act of 1947 to Require Disclosure under the Freedom of Information Act regarding Certain Persons, Disclose Nazi War Criminal Records without Impairing Any Investigation or Prosecution Conducted by the Department of Justice or Certain Intelligence Matters, and for Other Purposes." Samuel R. Berger, Assistant to the President for National Security Affairs, to Secretary of State et al, "Implementation of the Nazi War Crimes Disclosure Act," 22 February 1999. Copies of both documents are located in CIA History Staff files. In 2000, Congress amended the Nazi War Crimes Disclosure Act and its implementing directive to DCI records pertaining to the Imperial Japanese Government between 1931 and 1945. (U)

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be made to locate records that may shed light on US government knowledge about, policies toward, and treatment of Nazi war criminals, especially during the Cold War years.”<sup>32</sup> (U)

In January 1999, President Clinton appointed the three nongovernmental members of the IWG; Thomas H. Baer, a lawyer and motion picture and television producer; Richard Ben-Veniste, a former assistant US attorney and Watergate prosecutor; and most importantly, Elizabeth Holtzman, who had struggled for 25 years to get the Federal government to open its records on Nazi war criminals.<sup>33</sup> (U)

CIA’s records on Nazi war criminals have now been declassified pursuant to the Nazi War Crimes Disclosure Act, transferred to the National Archives, and made available to the public. The public can now judge for itself, based on documentary evidence, whether the allegations of self-proclaimed “Nazi hunters” like John Loftus are correct. The documents at the Archives will be the source of much discourse in the historical community for the foreseeable future, but they show that allegations of CIA protection of Nazi war criminals are baseless. In fact, CIA remains one of the Office of ~~Special Investigation~~ Special Investigation’s most important sources of information. (U)

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<sup>32</sup>Office of Information Management, Employee Bulletin, “Implementation of the Nazi War Crimes Disclosure Act,” 31 March 1999, EB No. 0002-99, in DCI/HS files. (S)

<sup>33</sup>The White House, Office of the Press Secretary, “President Clinton Names Thomas Baer, Elizabeth Holtzman, and Richard Ben-Veniste as Members of the Nazi War Crimes Records Interagency Working Group,” 11 January 1999. Copy located in CIA History Staff file. (U)